



**SPECIAL
PLANNING ADVISORY/COMMITTEE OF ADJUSTMENT/
PROPERTY STANDARDS COMMITTEE AGENDA**

On February 8, 2024 @ 1:00 PM

In-Person in the Town Hall Council Chambers, 30 King Street East, Gananoque
(parking on-site via Garden Street)

and via Teleconference/Video Conference using information below:

Teleconference Toll Free Number – 1-833-311-4101, Access Code: 2631 671 0649

Video Access: [Click Here](#)

		Attachment
1.	Call Meeting to Order	
2.	Adoption of the Agenda	
3.	Disclosure of Pecuniary Interest & General Nature Thereof	
4.	Approval of Minutes - None	
5.	Public Question/Comments (only addressing items on the agenda) *Note: Members of the public are permitted to speak to Planning Act applications under Reports/New Business at the time of discussion.	
6.	Unfinished Business – None	
7.	Reports/New Business - None	
8.	Correspondence/Other	
	Discussion of DRAFT Official Plan	
9.	Next Regular Meeting – February 27, 2024	
10.	Questions From the Media	
11.	Adjournment	

The Town invites and encourages people with disabilities to attend and voice their comments in relation to accessibility related reports. For those who are unable to attend, the Town encourages the use of the Customer Feedback Form found on the Accessibility Page on the Town's website.

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KEY MAP

Notes:

Demolition Control by-law or demo permits

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Land Acknowledgement Statement

The Town of Gananoque acknowledges that we are on traditional territory of the Haudenosaunee (*Hoe-den-oh-show-nee*) and Anishinabe (*A-nish-in-'a-bay*) and First Peoples. We do so respecting both the land and the Indigenous People who continue to walk with us through this world.

We are grateful for the opportunity to gather here.

In recognition of the contributions and importance of all Indigenous Peoples, we strongly support Truth and Reconciliation Calls to Action in our nation and commit to support local endeavors where possible.

1.0 INTRODUCTION

The Town of Gananoque Official Plan (OP) is an essential planning document which is designed to manage future growth, development and change in our municipality. This Official Plan provides a framework which will guide land use decisions within the Town of Gananoque's (Town) boundaries for the next 20 years. Because decisions which implement growth and development have long lasting impacts, it is incumbent on everyone to ensure that those decisions reflect community values and will result in a more liveable community which is economically and environmentally sustainable.

1.1 LEGISLATIVE CONTEXT

The Official Plan is a policy document, it is not a by-law or a regulation. However it is a legal document and the policies in this Plan have a basis in the *Planning Act*, R.S.O. 1990 (the *Planning Act*). There is therefore a need for all decision making authorities to ensure that any by-laws, permits and authorizations they issue will conform to the intent and direction provided by the policies of this Official Plan.

The *Planning Act* requires that the Town prepare and adopt an Official Plan which covers the full extent of its territory. The *Planning Act* also identifies matters of provincial interest which are further defined by the Provincial Policy Statement (PPS). The Town's Official Plan must be consistent with the policies in this Statement. The Official Plan was drafted, reviewed and adopted in conformity with the requirements of the *Planning Act* and the content of the Plan is consistent with the Provincial Policy Statement issued under Section 3 of the *Planning Act* which came into effect on May 1, 2020.

The Provincial Policy Statement includes definitions of numerous significant terms used in its policies. These definitions will apply to instances in this Plan where the same terms are used, for instance in reference to "development", "adjacent lands", or "Sensitive land uses", among others. Where this Plan employs a different meaning for a term defined in the Provincial Policy Statement, this will be specifically identified in the text of the Plan.

This Official Plan was prepared by the Town in partnership with the residents of the Town, its community organizations, the provincial government and its agencies. As such, the policies of the Official Plan represent a balance of interests and points of view.

1.2 STRUCTURE OF THE OFFICIAL PLAN

This document shall be known as the Official Plan for the Corporation of the Town of Gananoque. It is divided into ten major components as follows:

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Part 1 – Introduction

Provides an overview of the planning area and the organization of the plan and explains the political and administrative framework within which land use planning is carried out on Ontario.

Part 2 – Vision and Guiding Principles:

This section of the Plan provides an overview of the principles, goals and objectives developed during the initial consultation component of the Official Plan program and which provide the basis for the formulation of the policies of the Plan.

Part 3 Policies for the Use of Land

Part 3 is the core of the Official Plan providing the main policies which will guide decisions for the use of land in Gananoque for the next 20 years.

3.1 Our Heritage – Planning the Lowertown District

These policies provide for the future of the Town’s built heritage area, Lowertown. The Plan provides for maintaining the character of this unique area while facilitating an evolution to a mix of uses.

3.2 Where We Live - Sustainable Neighborhoods

This section addresses residential and non-residential development in Gananoque’s neighbourhoods including residential uses, local commercial uses, institutional and recreational uses.

3.3 Where We Work - Employment Lands

These policies discuss the Town’s current and future employment areas and provides for the transition from industrial to light industrial and mixed commercial uses.

3.4 Our Environment – Planning for Sustainability

This section of the Plan provides policies which address the need to maintain and enhance our Town’s natural heritage features and includes direction to ensure that development can be sustainable.

3.5 Development Constraints – Planning for Public Health and Safety

This section of the Plan provides for the protection of public health and safety and includes policies on hazard areas such as lands prone to flooding or unstable slopes or where soils may be contaminated as well as policies on the control of incompatible uses.

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Part 4 Making it work – Our Infrastructures

These policies address the need to provide appropriate infrastructures to ensure sustainable development for the safety and security of residents. Policies include water, waste water, surface water and transportation infrastructures as well as waste management, communication, energy and other required services.

Part 5 Implementing the Plan - The Planning Toolkit

Explains the various policy and regulatory tools available to ensure that the Official Plan's policies are properly implemented.

1.3 PLANNING PERIOD

The Gananoque Official Plan is intended to guide land use for a twenty year period, i.e. until the year 2042.

2.0 Vision, Guiding Principles and the Planning Context

The Town initiated the process to review its existing Official Plan in the fall of 2018. The policies contained in this Plan were formulated on the basis of a review of existing conditions, past development patterns, present development trends and projections of future conditions. The Plan maintains the best elements of the previous Official Plan, provides for new land uses in recognition of the changing face of the Town, implements the direction of the Provincial Policy Statement, 2020, provides guidance to Council and its delegates in consideration of their responsibilities, and provides direction and certainty to the Town's residents and businesses.

Future development in the Town of Gananoque must proceed in a manner which is consistent with the policies of this Official Plan. It is recognized that from time to time there will be land use or development proposals which may not appear to be in full conformity with one or more policies in this Official Plan. On such occasions it will be necessary to ensure that ultimately the decision taken can be reconciled with the long term vision and guiding principles of the Plan as well as all of the other relevant policies.

2.1 VISION

Long term planning starts with a vision for the future. Attaining that vision requires that everyone who participates in the long term development of the municipality adhere to a set of guiding principles which in turn are at the core of the policies in this Plan. The following statement is intended to be the expression of Council's vision for the future of Gananoque.

Our Vision

Our Vision is to preserve and enhance the Town's unique "small town" heritage, preserve our historic and environmental character, and provide a high quality of life through a sustainable development pattern.

2.2 GUIDING PRINCIPLES

The following key principles are at the core of the Official Plan's policies. They were developed through consultation with the citizens of Gananoque and all of the policies in this Official Plan are consistent with these guiding principles.

Our Guiding Principles

1. We will be dedicated to maintaining and improving Lowertown through the long term implementation of the Lowertown Master Plan.
2. The waterfront will be maintained and improved as a community focal point and will be enhanced through balanced, sustainable public and private development.

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3. We are committed to revitalizing our downtown commercial district as a mixed use pedestrian friendly area while respecting the area's architectural heritage.
4. We are committed to [intensifying and](#) enhancing the quality of our residential neighborhoods through [a range of](#) housing [options](#), densities, and transitions from adjoining land uses.
5. We are committed to increasing the number and diversity of employment opportunities in the Town of Gananoque by promoting the rehabilitation of industrial properties, [intensification of commercial and employment lands](#), and the introduction of a mixed use approach in our employment areas.
6. We will plan for a connected system of greenways and parks facilities to serve residents and visitors.
7. We are committed to increasing the diversity of arts, cultural and recreational opportunities.
8. We will protect our natural environment.
9. We will ensure public involvement in the planning process to ensure the protection of everyone's property rights.

2.3 PLANNING CONTEXT

The Town of Gananoque, with its abundant waterfront and eclectic mix of heritage buildings, new residential areas and industrial properties is well positioned to accommodate future growth.

The Town has experienced [increasing](#) growth over the past 10 years or more, averaging [23 new residential units](#) per annum. ~~Growth has occurred in a controlled and planned manner as new development resulted in extensions of existing residential neighborhoods. From an economic development perspective the municipality has experienced a decline in employment generating land uses and as such is faced with a number of vacant or under utilized non-residential buildings. As the Town continues its modest increases in population and welcomes new employment opportunities, it is important to ensure that land development and redevelopment occurs in a logical and cost efficient manner which ensures effective delivery of municipal services while preserving the Town's architectural heritage and small town character.~~

This Official Plan is designed to encourage and manage continued growth which will result in a forecasted population of approximately [6,816](#) people by the [late 2030s](#). [It is the intent of this Plan to ensure sufficient land capacity to accommodate projected needs for the next 25 years, including residential growth for the next 15 years. Analyses indicate the existing land supply within the Town's Settlement Area boundary is sufficient for projected household and employment growth over the lifespan of the Plan. The Settlement Area is defined as all of the land located inside the Town's corporate limits with the exception of lands designated Rural as shown on Schedule E.](#)

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To date, growth has occurred in a controlled and planned manner as new development resulted in extensions of existing residential neighborhoods with additional areas expanded along the waterfront. From an economic development perspective the municipality is transitioning from predominantly industrial employment to a combination of manufacturing, commercial, service, and tourism industries. As the Town continues to increase in population and welcome new employment opportunities, it is important to ensure that land development and redevelopment occurs in a logical and cost efficient manner which ensures effective delivery of municipal services while preserving the Town's architectural heritage and small town character.

It is the general intent of this Official Plan to continue logical extensions of the Town's development areas and to encourage redevelopment and infill wherever possible. Intensification is essential to create complete communities, making the most efficient use of land, resources, infrastructure and public service facilities, minimizing negative impacts on air quality and promotes energy efficiency, helping to mitigate climate change, promoting energy efficiency and supporting active transportation and the efficient movement of goods. It is the general intent of this Official Plan to encourage intensification, through redevelopment and infill within the Town's developed areas, wherever possible.

The following policies shall provide the planning framework as it applies to the Town's development areas.

- 1 Future development shall occur in the Town's Settlement Area. The Town shall ensure that development makes efficient use of land and resources for the purposes of economical service and infrastructure provision, freight supportive and active transportation, efficient energy promotion, and climate change mitigation and adaptation.
- 2 Future development shall be encouraged within the built up area. The Town shall endeavor to set minimum targets for intensification and redevelopment within the built up area.
- 43 Future development outside of the built up area may be permitted in accordance with the policies of this Official Plan through logical planned extensions of existing built up areas. When designating extensions to the built up area, the Town shall ensure sufficient and timely infrastructure and service provision to accommodate development for projected needs. Development in such areas shall make efficient use of land and services through compact form and mixes of densities and uses.
- 2 ~~Any expansion of the settlement area shall require a comprehensive review of the Official Plan which is generally carried out every 5 years. Any proponent initiated expansion of the settlement area shall also require a comprehensive review of this Official Plan which shall be carried out at no cost to Gananoque residents. Such review shall conclusively demonstrate the need and land use rationale for the proposed expansion.~~

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- 4 It is the intent of this Plan to achieve an increase in the density and intensity of land use through the use of compact form, a mix of land uses, and redevelopment or re-use of existing vacant or underutilized buildings and properties. This intensification is encouraged in the Settlement Area in accordance with the policies of this Plan. In particular, intensification is encouraged on sites:
- a. that are no longer viable for the purpose for which they were intended such as former commercial, industrial and institutional sites;
 - b. where the present use is maintained and the additional of residential uses can be achieved in a safe and complementary manner; and
 - c. with suitable existing or planned infrastructure and public service facilities.
- 5 The following criteria, amongst other matters, may be used to evaluate applications for intensification and redevelopment:
- a. the suitability of the site in terms of size and shape of the lot, soil conditions, topography and drainage;
 - b. impacts of the proposed development of surrounding natural features and areas and cultural heritage resources; and,
 - c. the relationship between the proposed development and any natural or manmade hazards.
 - d. the provision of adequate ingress/egress, off street parking and loading facilities, and safe and convenient vehicular circulation;
 - e. the impact of traffic generated by the proposed development on the road network and surrounding land uses;
 - f. the availability of existing or planned, or potential to enhance, active transportation infrastructure; and
 - a. the compatibility of the proposed development on existing and planned character. Increased land use density, though desirable to ensure more efficient delivery of public services, shall not occur where increased density or intensity of use would result in a negative impact on an area's heritage value or on a neighborhood's existing residential character.
 - g.
- 6 An expansion of the Settlement Area shall require a comprehensive review of the Official Plan which is carried out 10 years after adoption, and every 5 years thereafter. Such review must conclusively demonstrate the proposed expansion is required as a result of insufficient lands in the Settlement Area to accommodate projected needs through intensification and redevelopment, availability of infrastructure and public services, mitigates impacts to adjacent prime or otherwise agricultural land uses, and is in compliance with the minimum distance separation formulae. The Town may permit adjustments to the Settlement Area boundary outside of a comprehensive review provided that these conditions are demonstrated and there would be no net increase to the Settlement Area.

3.0 Land Use Policies

3.1 OUR HERITAGE – PLANNING LOWERTOWN

Lowertown is one of Gananoque’s greatest assets. Over the years there has been a significant amount of effort dedicated to facilitating its renaissance into a unique mixed use waterfront heritage district. A former industrial waterfront and working class residential area, Lowertown has slowly developed a community focus with its publicly owned spaces and its commercial and cultural attractions. The importance of Lowertown to the future of Gananoque is reflected in the fact that all ~~eight-nine~~ of the Guiding Principles of the Official Plan have a direct application to this district. Public investment in waterfront properties and the ~~development-implementation~~ of a Lowertown Master Plan is further evidence of the Town’s commitment to completing the transformation of this district into a regional destination.

The policies which apply to the Lowertown Policy Area designation as shown on Schedule A are based ~~of course~~ on the Plan’s ~~eight-ten~~ Guiding Principles. ~~They-but they~~ are also closely based on the content of the Lowertown Master Plan which was adopted by Council and ~~much of which is which~~ now ~~will see much of its content directly~~ included in the Town’s sanctioned land use policies.

3.1.1 Goal And Objectives

Goal: Create a vibrant, year-round, mixed-use Lowertown neighbourhood on an active waterfront where people live, work and play.

Objectives:

1. Protect and enhance existing residential uses in a mixed use setting
2. Encourage new medium and high density residential uses in a mixed use setting ~~set back from the water~~
3. Protect and enhance existing viable businesses in a mixed use setting
4. Encourage the rehabilitation and or conversion of vacant industrial buildings
5. Encourage appropriate new, street-related retail and commercial uses
6. Protect and enhance existing recreation, tourism and cultural uses in a mixed use setting
7. Provide opportunities for new water-related recreation activities
8. Enhance vehicular and pedestrian circulation and orientation
9. Encourage appropriate cultural activities and facilities
10. ~~Identify, P~~protect and enhance the natural heritage ~~systems and features~~qualities of the shoreline

3.1.2 Policies:

3.1.2.1 Lowertown's Natural Heritage Systems – Erosion Hazards, Water Quality, and Landscaping

1. Significant physical and biological features along the waterfront, as designated on Schedule F Natural Heritage Features, shall be preserved by preventing development in these areas or through the incorporation of these features into plans for waterfront parks and open space.
2. Development between the stable top of bank and shoreline shall not be permitted, unless the [Ministry of Natural Resources Province](#) and the Cataraqui Region Conservation Authority deem it possible and, Town Council considers the development to be consistent with the Lowertown Master Plan and the waterfront objectives and policies of this Plan. Development shall also not be permitted in areas with flooding or erosion hazards.
3. Development shall be set back from the stable top of bank, and from flooding and erosion hazards, in accordance with the requirements of the [Zoning By-law,](#) Development Permit By-law and of the Cataraqui Region Conservation Authority.
4. The use of stormwater management practices and other pollution control measures shall be required for all new development or re-development to protect water quality. Where possible, means to mitigate flooding and erosion hazards should be undertaken through stormwater management practices. ~~Stormwater Management Reports will be reviewed by the Cataraqui Region Conservation Authority.~~
5. Shoreline protection measures shall be designed to visually complement the waterfront and to be undertaken in a manner that will have minimum adverse affect on the environment. Where shoreline protection works are undertaken by the Town or the Cataraqui Region Conservation Authority or any other public agency, the Town will consider opportunities to incorporate a pedestrian walkway as part of the overall design of the shoreline protection works, such walkway to be consistent with the Lowertown Master Plan.
6. Landscaping plans for publicly owned waterfront open space shall encourage the enhancement of natural habitat by means such as the use of native plants in addition to ensuring a design consistent with the open space design guidelines in the Lowertown Master Plan.

3.1.2.2 Public Access and Use

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Planning for public use of and access to the shoreline shall recognize areas of existing private use and ownership of the shoreline and shall incorporate ways to ensure these uses are compatible.

1. Acquisition of land for public walkways, or to create new or to add to existing windows-to-the-river shall be considered where new development or re-development provides an opportunity to do so and where the acquisition furthers the objectives of the Lowertown Master Plan.
2. Waterfront parks and related facilities shall be designed to provide safe, attractive and inviting places for public use and to visually separate private and public open spaces. Landscape plans that enhance the attractiveness of the waterfront and add significantly to the experience, enjoyment and appreciation of the waterfront shall be implemented. These plans will preserve environmentally sensitive vegetation and landforms and reflect the planned uses of the specific waterfront areas in accordance with the Lowertown Master Plan.
3. Shoreline structures should be located in such a manner as to minimize the visual impact on neighbouring properties, and should avoid sensitive environmental features, both on shore and in the water. The [Zoning-Development Permit](#) Bylaw may provide standards to require a minimum visibility triangle to regulate the visual impact of shoreline structures on neighbouring properties.
4. Parking areas shall be designed and located in accordance with the Lowertown Master Plan and shall be landscaped to complement the environment, [to provide flexible parking options with efficient use of space](#), and to maximize the recreational and cultural open space uses of district.
5. A balanced transportation network for pedestrians, cyclists and motorists shall be implemented as development and re-development occurs and as Town resources permit. Decisions related to the extension of existing walkways, new or enhanced vehicular access points and intersections shall be consistent with the [vision and principles of the](#) Lowertown Master Plan.
6. A continuous pedestrian walkway through the Lowertown district will be implemented through development and/or re-development in accordance with the Lowertown Master Plan. Wayfinding and directional signage as well as the development of vehicular and pedestrian gateways as demonstrated in the Lowertown Master Plan are considered to be a priority and will be developed as resources allow.
7. [Streetscaping and landscaping will be compatible with the Urban Design Guidelines of the Lowertown Master Plan, to improve pedestrian and vehicular orientation, to provide](#)

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comfortable and engaging public spaces, to maximize the ecological sustainability and maintenance of natural assets, and to encourage a cohesive community character.

- ~~7. Council will make every effort to acquire and develop the former CNR right of way south of King Street for a public walkway.~~
- ~~8. Access and enjoyment of the natural features of the Town, such as shorelines of the St. Lawrence River and Gananoque River, trails and open areas will be enhanced and protected by:
 - ~~a. improving physical and visual access from adjacent public streets, parks and open spaces;~~
 - ~~b. ensuring that adjacent development, including new streets, parks and open spaces, building location, height, massing and organization, will preserve and enhance access and views between these natural features and the public realm;~~
 - ~~c. providing for public access along, into and through these natural open spaces, where appropriate; and~~
 - ~~d. minimizing shadows on natural features to preserve their utility and ecological health.~~~~

3.1.2.3 Development and Re-Development Policies

1. All of the Lowertown designation is considered to be a mixed use development area and all of the following uses shall be permitted subject to all other applicable policies as well as ~~zoning or~~ development permit system controls such as:
 - Low, Medium and High density residential
 - Tourism commercial uses
 - Service commercial uses
 - Arts and cultural uses
 - Office commercial uses
 - Home based employment
2. Subject to policy 3.1.2.4, Site Plan Control shall apply to all development and redevelopment in Lowertown as set out in Section 5 of this Plan.
3. Council will apply the Urban Design Guidelines as described in the Lowertown Master Plan for all proposed development or re-development. All development will be compatible with the Lowertown Master Plan and consistent with the existing character and approved themes for Lowertown. Any high density residential development ~~_~~will be carefully considered with respect to visual and character impacts on ~~directed away from~~ existing low density residential areas within Lowertown.

3.1.2.4 Implementation

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1. In order to provide Council with an enhanced ability to ensure long term implementation of the Lowertown Master Plan, a Development Permit By-law ~~may has been~~ adopted to control development and to streamline the development approval process where development or re-development is proposed on lands identified by the Lowertown Policy Area designation on Schedule A.
2. The delineation of land uses through a Development Permit System or through Zoning shall be based on architectural form as well as present and future land use compatibility.
3. Further to the Community Improvement Area policies included in Section 5, all of the lands designated Lowertown Policy Area are considered a high priority as a Community Improvement Project Area.
4. To maintain the historic appearance of this area, demolition and building permits shall be strictly controlled and shall be subject to Council review.

SCHEDULE A - LOWERTOWN DISTRICT POLICY AREA

3.2 WHERE WE LIVE – PLANNING SUSTAINABLE RESIDENTIAL NEIGHBORHOODS

Gananoque’s residential neighborhoods range from heritage homes in the Lowertown district, to apartment dwellings in multi storey buildings, to ~~single a variety of dwelling types~~ residential subdivisions, to mixed use buildings with ~~local~~ commercial, ~~schools~~ institutional and residential uses. The intent of the Official Plan’s residential neighbourhood policies is to create complete communities, which offer mixed land uses, provide a diverse range of rental and ownership housing types which are attainable and affordable to a range of household income levels, support multiple modes of transportation, are inclusive of all ages and abilities. ~~preserve and consolidate existing residential neighborhoods and to provide for~~ This includes providing new residential opportunities through intensification and re-development of vacant buildings to allow a mix of commercial and residential uses to anticipate future needs. The Residential Policy Area is shown on Schedule B which follows.

3.2.1 Goal and Objectives

Goal: Promote a balanced supply of housing to meet the present and future social and economic needs of all segments of the community while providing opportunities to develop new residential uses in mixed use buildings as well as non-residential neighbourhood components such as schools, community facilities, places of worship, parks and local commercial uses.

Objectives:

1. Promote and support development which provides for attainable and affordable, freehold and/or rental housing with a full range of density types, and prevent the loss of such housing options;
2. Designate a sufficient supply of land to meet the Town’s residential market-based and, attainable, and affordable housing needs;
3. Ensure that land use policies and ~~zoning~~ Development Permit By-law facilitate the creation of affordable and attainable housing, a do not establish barriers to a more balanced supply of housing and choice within the marketplace;
4. Ensure that residential intensification, infilling and redevelopment within existing neighbourhoods is compatible with surrounding uses in terms of architectural design and density existing and planned character;
5. Allow for the redevelopment of vacant buildings for residential purposes in a mixed use environment;
6. Encourage housing opportunities, including more intensive forms of housing, that are in proximity to work, shopping, and recreation;

~~6-7.~~ Promote the design of complete streets to reduce the need to drive and encourage walking, ~~and cycling, and active transportation;~~

~~7-8.~~ Permit a range of activities in residential areas including home-based businesses, local commercial, bed and breakfasts, Heritage Tourist Inn group homes, churches, schools, community facilities and open space.

~~8-9.~~ Promote green infrastructure and ~~support the protection of~~ urban street trees in general, and support the protection ~~and~~ of heritage trees in particular.

3.2.2 Residential Policies:

3.2.2.1 Permitted Uses

Permitted residential uses shall include the full range of dwelling types from low density single-detached dwellings to high density apartment dwellings. In addition, uses which complement residential neighborhoods may also be permitted. These could include home-based businesses or home industry/home occupation uses, institutional uses such as schools, nursing homes, group homes and churches, open space uses such as parks and community centres, neighbourhood commercial uses such as convenience stores, licensed daycares and bed and breakfast establishments. ~~Non-residential uses which are permitted in a residential area shall be subject to the policies of 3.2.2.3. Site Plan Control. Particular attention will be required to ensure that non-residential uses are compatible with the existing and planned character of the neighbourhood, can be adequately serviced and ... (are there any other policy tests that we want to include here? Focusing solely on compatibility seems pretty limited). neighborhood in terms of architectural design and intensity of use.~~

3.2.2.2 Waterfront Residential

Residential development along the waterfront is permitted within the Residential Policy Area provided that waterfront development meets all relevant policies of this plan, including Lowertown Policies, Rural and Open Space policies, and Natural and Human Made Hazard Policies, as well as the provisions of the implementing Community Planning Permit By-Law ~~is setback sufficiently from the high water mark to ensure protection of the existing natural shoreline. The minimum setback shall generally be 30 metres however the setback may be increased in the implementing zoning by law.~~ Community Planning/Development Permit By-Law.

Planning for development along the waterfront of the St. Lawrence River and the Gananoque River shall recognize and recognize.

1. The setback may take the form of a buffer of undisturbed soil and vegetation along the shoreline, which will help to filter runoff and prevent soil erosion and provides wildlife habitat. ~~where there is reason to provide additional environmental protection. In addition to protection of the shoreline,~~

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2. New development along the waterfront shall, whenever possible be designed to ensure protection of the existing natural shoreline and minimize any loss of river views from adjacent properties. Residential development along the waterfront may be subject to Site Plan Control and ~~section 5.4.3.3.~~ per Section 5.4.3.
3. Acquisition of land for public walkways, or to create new or to add to existing windows-to-the-river shall be considered where new development or re-development provides an opportunity to do so.
4. Waterfront parks and related facilities shall be designed to provide safe, attractive and inviting places for public use and to visually separate private and public open spaces. Landscape plans that enhance the attractiveness of the waterfront and add significantly to the experience, enjoyment and appreciation of the waterfront shall be implemented. These plans will preserve environmentally sensitive vegetation and landforms and reflect the planned uses of the specific waterfront areas.
5. Shoreline structures should be located in such a manner as to minimize the visual impact on neighbouring properties, and should avoid sensitive environmental features, both on shore and in the water. The Development Permit Bylaw may provide standards to require a minimum visibility triangle to regulate the visual impact of shoreline structures on neighbouring properties.
4. Access and enjoyment of the natural features of the Town, such as shorelines of the St. Lawrence River and Gananoque River, trails and wooded areas will be enhanced and protected by:
 1. improving physical and visual access from adjacent public streets, parks and open spaces;
 2. ensuring that adjacent development, including new streets, parks and open spaces, building location, height, massing and organization, will preserve and enhance access and views between these natural features and the public realm;
 3. providing for public access along, into and through these natural open spaces, where appropriate; and
 4. minimizing shadows on natural features to preserve their utility and ecological health.

3.2.2.3 Waterlots

Water Lots, being those lots that extend beyond the shoreline into the river where ownership has been legally confirmed to include the bed of the river, may be developed in accordance with the following:

- i) Only those lands located above the Flood ~~Hazard~~plain, or the high water mark if ~~floodplain~~Flood Hazard mapping is unavailable, may be developed.

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- ii) When reviewing compliance to the ~~zoning by-law~~ Community Planning Development Permit By-Law, only those lands located above the high water mark may be used to establish ~~zoning-Development Permit~~ conformity.
- iii) All other relevant policies of this Plan shall apply.
- iv) Approvals must be obtained from the Cataraqui Region Conservation Authority and the ~~Ministry of Natural Resources~~ Province of Ontario.
- v) Where docking facilities are permitted, such facilities shall be non-commercial facilities for the exclusive use of the landowner and approvals must be obtained from the Cataraqui Region Conservation Authority and the Ministry of Natural Resource Province of Ontarios.
- v) Waterlots may be regulated by Council through provisions contained within the Development Permit By-Law.

3.2.2.3 Non-residential Uses

Local commercial uses such as small local retail plazas and convenience stores, schools, places of worship and community facilities are permitted in the Residential Policy Area.

Existing non-residential uses shall be ~~zoned-designated~~ in the ~~implementing zoning by-law~~ Community Planning Development Permit By-Law.

All new non-residential uses shall be subject to a ~~zoning by-law~~ Community Planning Development Permit By-Law ~~amendment as well as Site Plan Control~~. Proposed non-residential uses shall be reviewed to ensure compatibility with the ~~existing residential neighborhood existing and planned character and adequate servicing~~. Proponents shall provide sufficient evidence to ensure that new development will not result in increased neighborhood traffic, noise or other emissions and will contribute to quality of life for local residents. ~~In all cases the scale and architectural design of any new development shall be consistent with the local neighborhood.~~

3.2.2.4 Compatibility

Ensure that all new development, including infill residential development in existing neighbourhoods, maintains or enhances the surrounding area and is compatible with respect to ~~existing and planned character~~ built form, scale, urban design, intensity of use and streetscape.

3.2.2.5 ~~Infill~~ Intensification

The Town recognizes the importance of increasing density through intensification to ensure efficient use of land, resources, and infrastructure. Intensification may include redevelopment, expansion or conversion of existing buildings, development of underutilized lots, and infill development. ~~Infilling on registered lots where services are available shall be encouraged. Infill~~

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~~development shall be of the same scale and density as adjacent residential uses. The Town shall consider intensification and redevelopment with appropriate existing services and infrastructure to support opportunities for a range of housing options and meet current and projected residential needs. In all cases, development shall be compatible with adjacent residential uses.~~

3.2.2.6 Servicing

~~It is the long term intent that all development in the municipality be on full municipal water and wastewater services. Council shall not contemplate applications for subdivisions or consent that propose development on communal or private services.~~

~~It is recognized that there are site specific locations where full municipal services cannot be extended due to technical or economic obstacles of extending services. Consideration may be given to permitting alternative servicing in the form of communal or private systems for development on existing lots of record only as an interim measure in advance of the extension of municipal services provided that:~~

- ~~• A servicing options study has been submitted which rationalizes the proposed method of servicing, and~~
- ~~• The applicant has demonstrated that there is sufficient quality and quantity of potable water, and~~
- ~~• A satisfactory report is obtained from the authority responsible for septic system approvals regarding the proposed method of sewage disposal, and~~
- ~~• The proposed development clearly will not impose an undue burden on public authorities for such matters as road maintenance by reason of its isolation from existing development, and~~

~~The development will not prejudice the ultimate, serviced development of the land and is deemed appropriate by the Municipality.~~

~~Where development is permitted on communal or private services, it shall be subject to site plan control or servicing agreement with the Town which shall require that the development be connected to municipal services at such time as they are extended to the subject land. The agreement shall also require the landowner to contribute financially for the extension of services and acquisition of sanitary sewer and water plant capacity, and provide any easements necessary/relevant to the extension of services.~~

It is expected that the [Ministry of Environment](#) [Provincet](#) will release guidelines with regard to sufficient treatment capacity for hauled sewage from private communal sewage services and individual on-site sewage services. Once these guidelines are released it shall be the intent of

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the Town to consider amendments to the Official Plan to be consistent with the Sewage and Water policies of the Provincial Policy Statement. (MOD 1)

3.2.2.7 Energy Efficiency

In order to promote energy efficiency, all new development will be encouraged to employ design techniques which result in efficient orientation of streets, lots and buildings. Rooftop solar panels and other technologies, building orientation to ensure solar access and functional landscaping (windbreaks, boulevards, and planting) should also be taken into consideration during the design phase of new Greenfield residential development all new residential development.

3.2.2.8 Residential Density and Affordable Housing

In order to ensure an appropriate mix of housing and to facilitate the provision of affordable housing, a full range of housing densities will be permitted. An overall housing density target of 12 units per gross hectare has been established and will be achieved through an appropriate mix of low, medium and high density residential development. The intent is to maintain or improve the historical availability of affordable housing in the Town of Gananoque by ensuring a broad mix of housing types and densities while also ensuring that the character and quality of residential neighborhoods will be maintained. Higher density residential development will generally be encouraged in locations having greater amenities or services such as areas in proximity to:

- Commercial designations;
- Open Space;
- Arterial or collector roads.

Such development will only be permitted where it is compatible with the neighborhood, where sewer and water lines have adequate capacity to service higher density development and where the street system is such that traffic, parking and access will not result in negative impacts.

3.2.2.9 Access

Development shall be permitted only where safe, convenient access to a public road is available to ensure ready accessibility for school buses, ambulances, fire trucks, and other essential service vehicles.

Access to individual lots shall be from internal local roads constructed to municipal standards and shall generally not be permitted from arterial or collector roads nor from existing back alleys. ~~The creation of new lots which do not have sufficient frontage on a municipally owned and maintained road is not permitted.~~

3.2.2.10 Residential Density and Affordable Housing Supply

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Housing is a human right. There is ample evidence that demonstrates that affordable and attainable housing is central to achieving various economic and social outcomes. Land use planning can support access to adequate and affordable housing by ensuring that there is adequate supply of land that accommodates a variety of housing options, by permitting and facilitating all forms of housing and by ensuring the efficient use of land and effective business processes, which can impact the cost of housing.

The Town recognizes the importance of housing and the need to create opportunities for a diverse range and mix of housing types, densities, and tenure. In order to ensure this occurs, a full range of housing densities and types will be permitted. The intent is to maintain or improve the historical availability of affordable housing in the Town of Gananoque by ensuring a broad mix of housing options and densities, while also ensuring that the character and quality of residential neighbourhoods will be maintained.

Currently, the Town's residential density is approximately 6.8 units per gross hectare. An overall housing density target of 12 units per gross hectare has been established and will be achieved through an appropriate mix of low, medium, and high-density residential development. The Town may review these targets in keeping with changes to policy and community strategies, such as Leeds and Grenville's Housing and Homelessness Plan 2014 – 2024. The intent is to maintain or improve the historical availability of affordable housing in the Town of Gananoque by ensuring a broad mix of housing options and densities, while also ensuring that the character and quality of residential neighbourhoods will be maintained. Higher density residential development will generally be encouraged in locations having greater amenities or services such as areas in proximity to:

- Commercial designations;
- Open Space;
- Arterial or collector roads.

Such development will only be permitted where it is compatible with the neighborhood existing and planned character, where sewer and water lines have adequate capacity to service higher density development and where the street system is such that traffic, parking and access will not result in negative impacts.

In accordance with the direction contained in the Provincial Policy Statement (PPS), in order to ensure that an adequate supply of housing is available at all times, the Town will:

- a. ensure that there is enough land designated for residential development to meet anticipated demand over a 25 year period;
- b. maintain at all times at least a fifteen (15) year supply of land designated and available for residential development, redevelopment, and residential intensification; and,
- a-c. endeavor to maintain a minimum three (3) year continuous supply of residential units with servicing capacity in draft approved or registered plans.

3.2.2.11 Rental Housing

Rental housing plays a vital role in the housing continuum. Limited availability of rental dwelling units or a low rental vacancy rate has implications for housing affordability. A healthy vacancy rate is often considered to be 3 to 5%. The Town will explore partnerships to monitor local rental market to ensure availability of adequate, safe, and affordable rental housing and may prepare studies and plan to explore new or amended incentives to promote construction of rental units. The Town will consider options to discourage or prohibit the conversion of rental housing to ownership housing when rental vacancy rates or number of units fall below a certain threshold in the community. ~~This may include prohibiting conversions of rental housing to ownership housing.~~

3.2.2.10 Housing Supply Attainability and Affordability

The United Counties of Leeds and Grenville Housing and Homelessness Plan 2014 – 2024 has demonstrated that there is a lack of affordable housing throughout the Counties. Affordable housing is critical to seniors, particularly those trying to age with dignity within their communities. It is also a critical form of housing for single person households. An adequate supply of affordable housing has the potential to attract young people and families into the Town to uphold the local workforce and may also enable the Town to retain people in this demographic who may otherwise move for lack of housing options.

The Town defines affordable housing following the policies of the Provincial Policy Statement (2020). For ownership housing, that is the least expensive of:

- a. housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households; or
- b. housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area;

In the case of rental housing, affordable refers to the least expensive of:

- c. a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or
- d. a unit for which the rent is at or below the average market rent of a unit in the regional market area.

Low and moderate income households are defined as:

- e. in the case of ownership housing, households with incomes in the lowest 60 percent of the income distribution for the regional market area; or
- f. in the case of rental housing, households with incomes in the lowest 60 percent of the income distribution for renter households for the regional market area.

The Township will seek to enhance the inventory of affordable housing by facilitating the creation of rental units, additional residential units and multiple residential development through adhering to the following policies:

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- g. Additional residential units ~~is~~are permitted and the development of additional residential unit accessory dwelling unit projects will be encouraged;
- h. The design of subdivisions in areas appropriate for residential intensification should consider the implementation of additional residential units, and larger subdivisions will be encouraged to include at least one site for multiple dwelling unit development or more intense forms of development;
- ~~On publicly maintained roads, where on-street parking is permitted, consideration will be given to reduce the parking requirement to one parking space for each dwelling unit;~~
- i. Amendments to the ~~Development Permit~~Community Planning Permit-BylawBy-Law to permit affordable ~~age-friendly~~ multi-unit residential development that is responsive to local and regional demographic changes will be encouraged;
- j. The Town may develop community improvement plans and other financial incentives, such as Development Charge Exemptions, to encourage the production of attainable and affordable housing. The Town may require that the recipient of any incentive enter into an agreement to ensure that residential units benefitting from any incentive remain attainable and/or affordable for a defined period of time ~~or provide for relief from all or a portion of development charges and other fees for projects that include affordable dwelling units and rental dwelling units in situations where the maintenance of affordability is assured through the sponsorship of, and binding agreement with, another government agency;~~
- ~~The Town will consider establishing zoning categories and standards that would permit multiple residential development and to identify appropriate location to apply such zoning;~~
- k. The Town will support the renewal, intensification, or creation of affordable housing projects by public agencies, and non-profit housing providers, including communal and cooperative housing, and collaborative housing projects, provided they meet the policies of this Plan;
- l. The Town may consider the use of inclusionary zoning as a tool to achieve affordable housing objectives;
- m. The Town will endeavor to have all multiple unit development assist with meeting the affordability goals for new housing stock contained in this Plan; ~~and~~
- n. The Town will encourage all additional residential units and multiple unit development to meet the affordability goal for new housing stock; ~~and;~~
- o. The Town will consider alternative development standards for new development that result in the creation of attainable and affordable housing.

3.2.2.12 Additional Residential Units

Additional residential units can help support the provision of attainable and affordable housing. The Town recognizes the important role that additional residential units play in the housing market. An additional residential unit is defined as a self-contained residential unit with a private kitchen, bathroom facilities, and sleeping areas within a primary dwelling ~~and~~or within

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structures an ancillary to a primary dwelling structure (e.g. above garages). The following policies will apply to the establishment of an additional residential unit:

- a. Additional Residential Units will be accommodated by the ~~Development Permit~~ ~~Community Planning Development Permit~~ By-law within ~~zone categories designations~~ permitting a detached, ~~dwelling or~~ semi-detached, or rowhouse dwelling as a primary use;
- b. Additional Residential Units may be permitted within, and ancillary to, a detached dwelling, semi-detached dwelling or rowhouse dwelling;
- c. Additional Residential Units shall clearly be ancillary to the principal residence. ~~and~~ Specific limits as the maximum floor area permitted or size relative to the primary residence will be established in the ~~Development Permit~~ By-law. ~~For further clarification, an~~ An Additional Residential Unit shall be smaller than the principal dwelling and should share one or more of the following elements with the principal dwelling: water supply, waste water system, and road entrance. ~~T~~ (these elements will also be addressed more specifically in the ~~Development Permit~~ ~~Community Planning Permit~~ By-law);
- d. Additional Residential Units shall be identified in the ~~Development Permit~~ ~~Community Planning Permit~~ By-law as a use subject to the provisions of the By-law; ~~Additional Residential Units shall only be permitted on lots that have appropriate frontage and an entrance directly onto a publicly maintained road;~~
- e. Additional Residential Units will be permitted only where a property is demonstrated to have an ~~a~~adequate supply of potable water and sufficient land area for the required waste water service; and
- f. Additional Residential Units shall ~~demonstrate compliance~~ comply to the Ontario Building Code;
- a.g. Generally, ~~Additional Residential Units will only be permitted through as-of-right by the~~ ~~Development Permit~~ ~~Community Planning Permit~~ By-law on lots that comply with the minimum lot area and minimum lot frontage requirement of the By-law.

3.2.2.14 3.2.2.13 Street Trees

Street trees and canopies provide many benefits. They provide natural habitat opportunities, reduce heating and cooling costs and noise levels, increase property values and provide numerous other social and aesthetic benefits. It is the intent of Council to protect and preserve existing street trees and in particular those trees that have been identified as heritage trees. Council may enact more restrictive regulations under the *Municipal Act*, S.O 2001, to protect the Town's urban trees and will ensure that proposed development is reviewed to provide for the preservation and protection, wherever possible, of existing treed areas.

SCHEDULE B - RESIDENTIAL POLICY AREA

3.3 WHERE WE DO BUSINESS - PLANNING OUR COMMERCIAL LANDS

Encouraging and enhancing commercial development in Gananoque is crucial to the Town's quality of life. Commerce provides employment through the retail sale of goods and services to residents, visitors and other businesses and helps broaden the Town's tax base which in turn helps the municipality maintain required public services.

King Street is the Town's primary commercial artery and it runs east-west through the ~~municipality~~ Town. ~~The three~~ Two separate types of commercial activity are located along King Street. They are the General Commercial Policy Area and, the Highway Commercial Policy Areas s as shown on Schedule C which follows.

3.3.1 Goals and Objectives

Goal: Provide a supportive land use policy framework which reduces constraints for commercial development while ensuring that existing and future commercial uses will contribute to the Gananoque's small town character.

Objectives:

1. Support a diverse range of commercial uses that meet the existing and future needs of the community and reduces the need for residents to shop elsewhere;
2. Accommodate a range of commercial formats from smaller pedestrian-oriented stores in the central King Street area to highway commercial type uses near Highway 401;
3. Enhance the form and character of each commercial area in the Town and work to create a distinct community identity for each.
4. To encourage the maintenance and improvement of existing commercial buildings.
- 4.5. To facilitate economic investment by ensuring sufficient and suitable lands, sites, and infrastructure, including telecommunications infrastructure, are available for anticipated commercial needs.-

3.3.2 Commercial Designations

Two commercial designations are identified on Schedule C of this Plan: General Commercial, Highway Commercial, The distinct nature of each commercial area will be established through the Zoning By-Law Development Permit By-Law and all new commercial uses will be subject to Site Plan Control in accordance with Section 5.

All new development within the General Commercial and Highway Commercial designations shall conform to the development criteria set out in Section 5.4.4 of this Plan.

3.3.2.1 General Commercial Policy Area

3.3.2.1.1 Permitted Uses

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Retail and service commercial development intended to serve the needs of local residents and visitors and include a wide range of small scale uses including retail stores, personal service establishments, professional offices, restaurants, banks and financial services, travel accommodations, and community services.

Mixed use commercial which includes residential uses on the second storey above or behind at the rear of a storefronts ~~are also~~ permitted as established by the Development Permit By-law.

3.3.2.1.2 General Commercial Policies

All new commercial development and infill commercial development in existing areas shall provide adequate off-street parking. Access to parking shall be designed to minimize conflict between pedestrian and vehicular traffic. Access to commercial development from residential streets shall be avoided.

New or redeveloped commercial uses in the General Commercial designation shall be oriented to pedestrian and vehicular traffic with an emphasis on the ease of movement for pedestrians between commercial establishments.

Where off street parking is required due to development or redevelopment of commercial land uses, such parking shall generally be located to the side or rear of establishments in order to foster a pedestrian friendly environment.

Council may consider the development of commercial design guidelines or the use of a Development Permit System to influence or control design of building mass and scale, facades, streetscape design, pedestrian amenities, signage and gateway features. In the absence of additional direction site plan control will be applied to ensure that the general intent of these policies is achieved.

3.3.2.2 Highway Commercial Policy Area

3.3.2.2.1 Permitted Uses

The Highway Commercial Policy Area is intended for large format retail and service commercial development intended to serve the Town, the region and the traveling public. The designation will permit a diverse range of land uses including general retail stores, grocery stores; commercial lodging; automotive sales and services and gas stations. Some outdoor storage may be permitted.

3.3.2.2.2 Highway Commercial Policies

Highway commercial development or redevelopment shall occur in a manner which minimizes potential off-site impacts on adjacent residential neighbourhoods or other sensitive land uses through buffering and screening. Site development plans shall be developed and stamped by a registered Landscape Architect and such plans shall ensure mitigation of site impacts as well as ensuring that the final development will have esthetic appeal.

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Site Plan Control shall apply to all highway commercial development as well as any redevelopment which would have the effect of increasing parking and or loading requirements or which substantially changes the scale and or density of the existing development.

The Highway Commercial designation also serves as an important commercial gateway to the Town and as such Council may undertake the preparation of design guidelines to address the potential for entry features, streetscape designs, signage, lighting, landscaping, and architecture.

SCHEDULE C - COMMERCIAL POLICY DESIGNATIONS

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3.4 WHERE WE WORK – PLANNING FOR EMPLOYMENT LANDS

The globalization of the economy as well as regional economic trends has resulted in a slow decline in the Town's industrial land base. Notwithstanding these changes there is a need to provide for industrial land uses in Gananoque. Industrial land use policies however must recognize the need to adapt as economic conditions change. The ~~Trade and Industry~~Employment Lands policies are intended to create a planning framework which will encourage and support mixed use employment areas which can accommodate industrial and commercial uses.

The following policies apply to the ~~Trade and Industry~~Employment Lands Policy Area designation as shown on Schedule D which follows. Alterations to the boundaries of the ~~Trade and Industry~~Employment Lands Policy Area designations as shown on Schedule D shall require a comprehensive review demonstrating that the lands are not required for employment generating purposes over the life of the Official Plan and that the alternative use or uses proposed are required.

3.4.1 Goals and Objectives

Goal: To support the expansion of the Town's employment base through flexible land use policies which recognize the dynamic nature of a changing regional economy.

Objectives:

1. to provide for commercial and industrial uses which require larger land areas;
2. to ensure access to efficient transportation links;
3. to provide commercial and industrial development opportunities which will not result in land use conflicts with abutting natural heritage systems shown in Schedule F in accordance with Ministry of the Environmentthe Provincial Guideline on Compatibility Between Industrial Facilities and Sensitive Land Uses;

5. to enhance a range of -economic development opportunities within the Town of Gananoque, and especially the Downtown.

4-6. To ensure sufficient and suitable lands, sites, and infrastructure are available for anticipated employment needs.

Permitted Uses:

Development within the ~~Trade and Industry~~Employment Lands Policy Area shall generally take place in the form of an industrial, business or commercial park. The following uses shall generally be permitted in the ~~Trade and Industry~~Employment Lands Policy Area:

1. manufacturing and processing

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2. warehousing and wholesaling of bulk products
3. transportation depots
4. heavy equipment and recreational vehicle sales and service
5. open storage
6. automobile and commercial vehicle service centres
7. service commercial uses ancillary to the above
8. large scale retail
9. other commercial uses appropriate or compatible with an industrial/commercial mixed use area or business park as described in the implementing [zoning-by-lawDevelopment Permit By-Law](#) and subject to any other related policies in this Plan.

New heavy industrial uses may be permitted in the ~~Trade and Industry~~[Employment Lands](#) Policy Area without an amendment to the Official Plan provided that there is evidence demonstrating that all environmental issues normally related to heavy industrial land uses have been resolved.

[Residential uses shall not be permitted within the ~~Trade and Industry~~\[Employment Lands Policy Area Designations\]\(#\)](#). Permitted uses shall be subject to [zoning-by-lawDevelopment Permit By-Law](#) provisions. Council may require that any commercial proposed uses be supported by a market retail study prepared by a qualified professional which demonstrates that the proposed development will not negatively impact the General Commercial or Highway Commercial areas as shown on Schedule C.

[The protection and enhancement of abutting natural heritage features shall be recognized through potential expansion and development of these lands. It is important to acknowledge the physical constraints in these areas, i.e., bedrock outcrops and low-lying areas, and the impacts that readying these lands for development may have. Development shall not be permitted in areas that are significant wildlife habitat, significant corridor or shoreline of the rivers, or significant natural corridors, features or areas.](#)

3.4.2 Policies

Where uses are proposed in un-serviced areas evidence in the form of a hydrogeology study or an Impact Assessment Study which confirms that the proposed development is feasible from a health and environment standpoint will be required.

Council through [zoning-development permitting](#) and site plan control shall endeavour to maintain the character and scale of development in the ~~Trade and Industry~~[Employment Lands](#) Policy Area and to ensure appropriate regulatory control. Whenever possible Council shall

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encourage the development of recreational uses to be integrated into the Trade and Policy area to provide for balance and lifestyle benefits.

Site Plan Control, in accordance with the relevant policies in this Plan, shall apply to new or expanded ~~trade and industry~~ Employment Lands uses in order to regulate the physical character of development and to ensure compatibility with established land uses. Particular attention will be placed on appropriate buffering of the permitted uses from adjacent non-compatible uses as well as ensuring that there is efficient and immediate access to transportation links.

Where warranted, ~~Ministry of the Environment Guidelines for~~ the separation of industrial uses from sensitive land uses shall be applied in accordance with Provincial D-Series guidelines, section 3.6.7.2.

In order to ensure the maintenance of sufficient lands designated for employment purposes, the conversion of lands for non-employment uses may only be permitted through in cases a comprehensive review where it has been demonstrated that:

- a) the lands are not required for the long term;
- b) and that there is a need for the conversion of the lands;
- c) the proposed use would not negatively impact the viability of the employment area overall; and
- a)d) there is sufficient servicing and infrastructure to accommodate the proposed use. (MOD-2)

SCHEDULE D - ~~TRADE AND INDUSTRY~~ EMPLOYMENT
LANDS POLICY AREA

3.5 OUR RURAL AND OPEN SPACES – PLANNING FOR BALANCE

There are large areas of lands on both the eastern and western boundaries of the Town that are vacant and inaccessible due to either development constraints of organic soils, topography or poor drainage. These lands are generally not serviced by roads or any other infrastructure and as such may require further studies to support development. [The Town intends to conserve these lands to preserve natural heritage and combat the effects of climate change.](#)

In addition the Town has a considerable inventory of open space and park lands along the watercourses and within developed areas of Town. [Some of this space is undeveloped and has to date been maintained in its natural state.](#) These lands are illustrated on Schedule E Rural and Open Space. [The Town intends to preserve and enhance this inventory for current and future recreational use and to ensure equitable access to recreational opportunities. Much of this will be achieved in partnership with the Township of Leeds and the Thousand Islands or other approved documents by the Town.](#)

3.5.1 Goals and Objectives

Goal: To promote the wise use and management of rural land-based resources and to provide for a balanced community that enjoys [open spaces with](#) significant recreational opportunities.

Objectives:

To maintain and enhance the existing inventory of parks and recreational opportunities

To allow for agricultural and forestry activities to occur within the rural lands

[To improve equitable distribution of a full range of public and open space areas for recreation and active lifestyles](#)

[To protect minerals for long term use](#)

3.5.2 Policies:

3.5.2.1 Rural

The plan recognizes the value of the rural lands and it is the intent of this plan to provide for opportunities for passive recreation and agricultural and forestry activities to occur while having regard to factors of long term sustainability and use.

Additional permitted uses on land designated rural shall include manufacturing and processing of forest products, reforestation, market and nursery gardening, kennels and facilities connected with the raising of fur-bearing animals and any activity associated with research on or conservation of soils, cropland or wildlife. In addition, parks, recreation facilities, and communication facilities will be permitted.

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The plan recognizes the value of abutting natural heritage systems as shown on Schedule F. Any development or redevelopment in these areas shall ~~have~~ consider these features in their plans and include protection and enhancement opportunities where possible, keeping in mind physical constraints such as bedrock and low-lying areas.

3.5.2.2 Public Open Space

The plan recognizes the value of open spaces for quality of life, visitor attraction, and community recreation.

Permitted uses on land designated open space include parks, recreation facilities and pathways, and communication facilities. The Town may also develop these lands for active or passive recreational uses such as parks, boat launches, walking trails, picnic areas, etc. when resources are available.

Council will refer to the ~~Township of Leeds and town of Thousand Islands~~ Joint Recreational Master Plan for the Town of Gananoque and the Township of Leeds and the Thousand Islands to assist in its decision-making process with respect to the development, sale or purchase of lands intended for public open space.

3.5.2.3 Open Space & Parkland Provision

The intent of this plan is to maintain the value of the Town's open space and ensure equitable access to recreational opportunities across the community. The Town may prepare studies to establish designations and hierarchies for public and privately owned open recreational spaces within a local park system and to set provision targets to accommodate residential growth.

3.5.2.4 Significant Mineral Potential

The Province has identified an area of significant mineral potential for Wollastonite in Gananoque, as shown on Schedule X. Lands designated Significant Mineral Potential will be protected from development that would preclude or hinder the establishment of new mining operations or access to the resource unless:

1. the resource use would not be feasible; or,
2. the proposed land use or development serves a greater long-term public interest; and,
3. issues of public health, public safety and environmental impact are addressed.

Lands designated Significant Mineral Potential may be used for a variety of uses related to the extraction of minerals, subject to a ~~Zoning By-law~~ Development Permit By-Law Amendment. Permitted uses may include mining and mining-related uses, mineral aggregate uses, and accessory uses and structures associated with mining. Other uses such as forestry and other resource-related compatible uses, recreation, parks and open space, and wildlife management may be permitted provided they do not preclude future extraction.

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In considering an amendment to the ~~Zoning By-law~~ Development Permit By-Law to permit a mining or mining-related use the Town will consider:

1. the impact on the environment, particularly new mining operations which must be located where there will be little or no impact on natural heritage features and functions;
2. indirect impacts on the utilities and services provided by the Town;
3. the impact on surrounding land uses; d. the impact on cultural heritage and archaeological resources;
4. the aesthetic appearance of the proposed development; and,
5. the benefit of the mining or mining-related use to the Town.

New lot creation for rural residential development is not permitted on lands designated Significant Mineral Potential.

SCHEDULE E – RURAL AND OPEN SPACES

3.6 OUR ENVIRONMENT – PLANNING FOR SUSTAINABILITY

The natural heritage landscape of Town of Gananoque is defined by its waterfront location. With significant access to the Gananoque and St Lawrence Rivers the Town must ensure that its ability to maximize benefits from these natural heritage features is balanced by policies designed to preserve and protect them.

The Town does not enjoy other natural features such as wetlands, Areas of Natural and Scientific Interests or valley lands. There is however potential habitat for rare, threatened or endangered species as well important fish habitat areas which will require appropriate review prior to the approval of new development.

For the purposes of this policy, “development” is defined as the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the [Planning Act](#). It also includes site alteration activities such as the deposit or removal of fill, site grading, excavation or alteration, topsoil removal and peat extraction or similar activities that would change the landform and natural vegetative characteristics of a site.

3.6.1 Goals and Objectives

Gananoque has a rich and unique natural environment that sustains the community. Gananoque is located in the Frontenac Arch Biosphere Reserve, a member of the UNESCO World Heritage Biosphere Reserves. Gananoque draws its water from the groundwater table and the St. Lawrence River. It's natural environment, comprised mainly of woodlands, shorelines and fish habitat along the St Lawrence and Gananoque Rivers, support a range of terrestrial and aquatic species. -There is also the potential for the habitat of endangered and threatened species. Woodlands are also important natural heritage features of the Town. Conserving and enhancing all of these environmental features is critical to achieving long term biodiversity and sustainability. The location of these environmental areas and features is shown on Schedule F.x ~~The natural heritage system/landscape of Town of Gananoque is mainly defined by its waterfront location. With significant access to the Gananoque and St Lawrence Rivers the Town must ensure that its ability to maximize benefits from these natural heritage features is balanced by policies designed to preserve and protect them.~~

~~The Town does not enjoy other natural features such as wetlands, Areas of Natural and Scientific Interests or valley lands. However, the town does have important natural heritage in the form of woodlands and unevaluated woodlands. There is however also potential habitat for rare, threatened or endangered species as well important fish habitat areas which will require appropriate review prior to the approval of new development. When locally significant natural heritage features are identified by the Town, they will be recognized in the Zoning By-law.~~

~~For the purposes of this policy, “development” is defined as the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the Planning Act. It also includes site alteration activities such as the deposit or removal of fill, site~~

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~~grading, excavation or alteration, topsoil removal and peat extraction or similar activities that would change the landform and natural vegetative characteristics of a site.~~

Goal: To conserve, protect and enhance the Town's natural heritage features.

Objectives:

1. The Town's drinking water source shall be protected from land use planning approvals and activities that have the potential to contaminate and threaten the Town's drinking water supply.
- 1.2. The Town's significant ~~natural heritage~~ environmental features and areas shall be protected ~~for the long term~~ from negative impacts of development and climate change and, where possible, enhancements should be made.
- 2.3. The Town's natural heritage features, including non-significant features, should be ~~conserved and rehabilitated~~ preserved and enhanced for the benefit of future generations according to best management practices undertaken today and as they evolve.

3.6.2 Frontenac Arch Biosphere

The Frontenac Arch Biosphere Reserve is a designated UNESCO World Biosphere Reserve. The Frontenac Arch is the name given to an ancient ridge of granite that extends across the St. Lawrence River forming a corridor between the Canadian Shield and Adirondack Mountains. The Thousand Islands are formed by the intersection of this ridge with the Great Lakes and St. Lawrence River.

According to UNESCO, a Biosphere Reserve is a 'learning place for sustainable development'. They are intended to integrate the conservation of biodiversity and cultural diversity, economic development that is socio-culturally and environmentally sustainable and underpin development through research, monitoring, education and training.

1. The Town shall review new development applications to ensure that the ecological functions and features for which an area may be recognized ~~is~~are protected, maintained and, where appropriate, enhanced, in accordance with this Plan.
2. The Town shall work with the relevant agencies and the public in the establishment of policies to guide development in the Arch, in such a way that the ecological features and functions for which the area is recognized are maintained and enhanced.

3.6.3 Source water Protection Plan

Gananoque draws its water from the St. Lawrence River and distributes the water to the majority of residents and businesses through the municipal drinking water system. Some residents are served by individual wells. The Town is committed to protecting the quantity and quality of source water to ensure that safe potable drinking water is available for the long term; to support supporting tourism and recreation; and to provide providing or maintaining healthy habitat for fish and wildlife.

Gananoque is located in the Cataraqui Source Protection Area. A Source Protection Plan for this area has been developed as required under the *Clean Water Act*. The Cataraqui Source Protection Plan identifies the majority of the Town as a Highly Vulnerable Aquifer and Significant Groundwater Recharge Area, given the fractured bedrock and thin soils in the Town. The Cataraqui Source Protection Plan identifies the Intake Protection Zones associated with the James W. King Water Treatment Plant intake pipe in the St. Lawrence River. The Highly Vulnerable Aquifer/Significant Groundwater Recharge Area and Intake Protection Zones are shown as overlay land use designations on Schedule **F**.

The Cataraqui Source Protection Plan is the primary tool used to protect Gananoque's drinking water supplies from threats associated with human activities on the landscape. Municipal land use planning tools, such as Official Plans, must conform to the Source Protection Plan to ensure that local land use planning decision making considers and manages the risk associated with land uses and drinking water threats. The Town will continue to collaborate with the Cataraqui Source Protection Authority and its partners to implement the non-land use planning recommendations of the Cataraqui Source Protection Plan through other means.

Development within the Highly Vulnerable Aquifer/Significant Groundwater Recharge Area and Intake Protection Zones shall conform to the policies of this Plan and all other applicable requirements of the Cataraqui Source Protection Plan. For clarification and policy detail, the Source Protection Plan must be referenced. The meanings of terms used in this section are the same as those as the Cataraqui Source Protection Plan and the *Clean Water Act*. In the event of a conflict between the source water policies of this Plan and the Cataraqui Source Protection Plan, the Source Protection Plan shall prevail.

3.6.3.1 James W. King Intake Protection Zone

The James W. King Intake Protection Zone is associated with the St. Lawrence River water source and is located within the Town of Gananoque and the Township of Leeds and the Thousand Islands. The following policies shall apply to development in the Intake Protection Zones (IPZ) shown on Schedule F:

1. New development and/or expansions to existing development that involve waste disposal sites within IPZ 1 and waste water treatment facilities, including related infrastructure, within IPZ 1 and 2 are prohibited where they would constitute a significant drinking water threat.

2. New development and/or expansions to existing development within IPZ 1 and 2 that involve the storage or manufacture of potential contaminants (that could include for example for example, dense nonaqueous phase liquids (DNAPLs), organic solvents, commercial fertilizers, liquid fuel, pesticides, sewage and road salt) where they would constitute a moderate or low drinking water threat may be subject to the implementation of risk management measures to protect the drinking water supply, to the satisfaction of the Risk Management Official (RMO).
3. New development and/or expansions, alterations, or redevelopment of existing development for all non-residential uses within IPZ 1 and 2 where significant drinking water threats can occur, may be permitted, if the RMO is satisfied that the proposal will be carried out in accordance with policies in the Cataraqui Source Protection Plan (i.e., the significant threat to the drinking water ceases to exist). Submission of correspondence from the RMO under Section 59 of the Clean Water Act, 2006, is required for all non-residential planning applications or land use changes, as per the Restricted Land Use Referral Process.
4. The Development Permit By-law shall prohibit or restrict land uses that constitute drinking water threats, as applicable in IPZ 1 and 2.
5. Upon receiving an application for approval of a proposal that may result in the creation or modification of a transport pathway in an IPZ, the Town must provide notice to the Cataraqui Source Protection Authority and the Cataraqui Source Protection Committee, in accordance with Section 27(3) of O-Reg 287/07.

3.6.3.2 Highly Vulnerable Aquifer and Significant Groundwater Recharge Areas

Fractured bedrock and thin soils underly the majority of the Town. These conditions create widespread recharge and high groundwater vulnerability. The following policies shall apply to development in the Highly Vulnerable Aquifer and Significant Groundwater Recharge Area shown on Schedule F.

1. New development and/or expansions to existing developments that involve the storage or manufacture of potential contaminants (that could include dense nonaqueous phase liquids (DNAPLs) DNAPLs, organic solvents, commercial fertilizer, pesticides, liquid fuel, road salt, snow storage, mine tailings and polychlorinated biphenyls (PCBs) where they would constitute a drinking water threat may be subject to risk management measures to protect the groundwater.
2. The Development Permit By-law should restrict land uses in the areas shown on Schedule F, as applicable.
3. New development and/or expansions to existing development associated with non-residential planning applications may be subject to a Risk Reduction Management Plan to identify measures to be incorporated into the development for land uses that involve the storage or manufacture of potential contaminants (that could include DNAPLs, organic

solvents, commercial fertilizer, pesticides, liquid fuel, road salt, snow storage, mine tailings and PCBs) where it would constitute a drinking water threat. The Risk Reduction Management Plan must be completed to the satisfaction of the Town, as part of the Development Permit System approval process.

4. The Risk Reduction Management Plan may be waived if a hydrogeological sensitivity study, prepared by a qualified professional, demonstrates that the subject lands do not exhibit the characteristics of a highly vulnerable aquifer or a significant groundwater recharge area.

3.6.4 Natural Heritage Features and Areas

3.6.4.1 Endangered and Threatened Species

Endangered or Threatened Species Habitat

Endangered and threatened species can encompass ~~any of the~~ many types of living things: birds, mammals, plants, fish, reptiles, amphibians and invertebrates. Endangered and threatened species are those species listed as such in the Species at Risk in Ontario list under the *Endangered Species Act*, 2007. The significant habitat of these species is protected through the *Endangered Species Act* ESA, 2007 and through this ~~Plan~~ land use policy.

~~The identified species within the Town of Gananoque are the Pugnose Shiner, the Butternut Tree, Ginseng, the Broad Beech Fern, the Stinkpot turtle and the Black Rat Snake.~~

The existing habitat sites of any endangered or threatened species in the Town are not identified in this Plan in order to protect endangered or threatened flora or fauna. In some cases identifying a significant habitat is not reasonable. It is important to protect the significant habitat of endangered and threatened species found within the Town. The Town will contact the Province of Ontario to develop a mutually acceptable protocol for sharing available endangered and threatened species habitat.

A screening map, prepared by the ~~Province of Ontario Ministry of Natural Resources~~ showing areas of documented occurrences of endangered and threatened species and their related habitats, identifies where this policy applies. Within the Town ~~of Gananoque~~, where according to the screening map there is potential for significant habitat of threatened and endangered species, ~~Ecological Site Assessments~~ ecological site assessments, which delineate significant habitat of endangered and threatened species within or adjacent to an area proposed for development or site alteration, will be required to support all planning applications proposals for development and site alterations. ~~The Province of Ontario MNR~~ will approve the extent of significant habitat as identified in an ESA or EIS.

~~The identified species within the Town of Gananoque are the Pugnose Shiner, the Butternut Tree, Ginseng, the Broad Beech Fern, the Stinkpot turtle and the Black Rat Snake.~~

~~The existing habitat sites of any endangered or threatened species in the Town are not identified in this Plan in order to protect endangered or threatened flora or fauna. In some cases~~

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~~identifying a significant habitat is not reasonable. It is important to protect the significant habitat of endangered and threatened species found within the Town. Council will contact the Ministry of Natural Resources to develop a mutually acceptable protocol for sharing available endangered and threatened species habitat.~~

~~The following policies shall apply wW~~here endangered or threatened species habitat is identified ~~in the Town of Gananoque then the following policies shall apply:~~

~~1. 4. Development and/or site alteration is prohibited in the significant habitat of endangered or threatened species as may be identified from time to time. habitat of endangered and threatened special, except in accordance with provincial and federal requirements.~~

~~2. Gananoque will advise proponents of their obligations under the *Endangered Species Act, 2007* and that where any new endangered or threatened species occurrence is identified, any development or site alteration activities must immediately cease, and the Province of Ontario must be contacted.~~

~~23. It is the policy of Council not to identify the location of such habitats on Official Plan Schedules in order to afford the greatest possible protection to the species in question. Approval authorities shall refuse development applications where the development review process confirms the existence of the significant portions of the habitat of endangered or threatened species.~~

~~34. Development and site alteration may not be permitted on adjacent lands within 50 metres of the habitat of endangered or threatened species unless it has been demonstrated through an environmental impact assessment in accordance with Section 3.5.3 that there will be no negative impacts on the natural features or the ecological functions for which the area is identified.~~

~~45. A site inventory for butternut will be required prior to disturbance or removal of trees. Where harm to (cutting of branches, root disturbance, etc.) or removal of butternut is proposed, prior assessment of the health of the species by a qualified Butternut Health Assessor is required. If the butternut is determined to be "not retainable" a certificate will be issued by the assessor and the tree can be removed/harmed. If, however, the butternut is "retainable" a permit will be required for its removal pursuant to the Endangered Species Act, 2007."~~

3.6.4.2 Woodlands

Woodlands

~~According to the PPS, wW~~oodlands are defined as "treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, water retention, provision of habitat, recreation and the sustainable harvest of woodland products. Woodlands include treed areas, woodlots or forested areas and vary in their level of significancehydrological and nutrient cycling, provision of clean air and the long-

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term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. Woodlands include trees areas, woodlot or forested areas and vary in their level of significance.”

Woodlands in Gananoque have values, both natural and human. The more obvious values are that they:

1. help to moderate climate, as temperature and moisture are influenced by respiration of trees and shrubs and by their shading;
2. provide oxygen to the atmosphere while reducing carbon dioxide, via photosynthesis;
3. clean air pollutants;
- 3.4. _____ prevent soil erosion and stabilize slopes;
- 4.5. _____ help to maintain good surface water quality;
- 5.6. _____ provide habitat for a diverse range of species;
- 6.7. _____ retain water and may recharge ground water;
- 7.8. _____ yield economic products including lumber, firewood, maple syrup and mushrooms;
- 8.9. _____ provide recreational activities such as wildlife observation, hiking, and hunting;
- 9.10. _____ contribute to the beauty and visual diversity of the urban and rural landscape;
and,
- 10.11. _____ provide an attractive setting for rural residential development.

The following policies shall apply to development in Woodlands overlay designation shown on Schedule F.

The following policies apply:

1. Development and site alteration areis prohibited may be permitted in accordance with the underlying land use designation in areas where a Woodlands overlay designation is shown on Schedule F where unless it has been demonstrated through an Eenvironmental Impact Assessment, in accordance with the policies belowSection 5, that the overall woodland function will not be negatively impacted or the ecological function of the woodland negatively impacted by the proposed development.
2. Notwithstanding policy 1 above for significant woodlands, agricultural forestry activities such as maple syrup production and the harvesting of mature trees in accordance with accepted forestry practices, recreational trails and snowmobile trails are considered as appropriate

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~~activities in woodlots and therefore are~~ permitted without an Eenvironmental Iimpact Aassessment. Such activities are to be carried out in an environmentally sensitive manner so as to preserve the overall woodlot function.

3.6.4.3 Fish Habitat

Fish Habitat

~~According to the PPS, F~~fish habitat is ~~defined as:~~ “the spawning grounds and nursery, rearing, food supply, and migration areas on which fish depend directly or indirectly in order to carry out their life processes.” ~~All watercourses and waterbodies are considered to have the potential for Fish Habitat and more specifically the St. Lawrence and the Gananoque Rivers. Where development is proposed adjacent to any watercourse consultation with the Town and the Cataraqui Region Conservation Authority is required.~~ Fish resources have many values to the Gananoque, including:

1. contributing to a diversity of species;
2. providing a natural indicator of water quality and environmental health;
3. forming a vital part of the aquatic food chain;
4. providing commercial fishing such as baitfish (minnow) harvest (OMNR, 1983); and,
5. providing recreational sportfishing opportunities and related economic spin-offs (OMNR, 1990).

All known fish habitat is shown on Schedule F. In addition, a~~All watercourses and waterbodies are considered to have the potential for fish habitat. Fish Habitat and more specifically the St. Lawrence and the Gananoque Rivers. Where~~Any development is proposed adjacent to any watercourse consultation with the Town and the Cataraqui Region Conservation Authority is required. The following policies apply :

1. Development and site alterations shall not be permitted in fish habitat except in accordance with provincial and federal requirements.
- ~~1.~~2. Where development is proposed within 30 metres of an area of fish habitat as identified on Schedule FE or adjacent to an area of fish habitat identified through consultation with the Cataraqui Region Conservation Authority or the federal Department of Fisheries and Oceans it must be demonstrated through an environmental impact assessment carried out in accordance with the policies below Section 3.5.3 that there will be no negative impacts on the natural feature or on the ecological functions for which the feature is identified.
- ~~2.~~3. Notwithstanding policy 1 above, the cleaning of municipal drains shall be permitted provided that such is carried out in accordance with acceptable standards and with authorization

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~~of the Cataraqui Region Conservation Authority, and that, where required, the authorization of the Department of Fisheries is obtained, permission of the Cataraqui Region Conservation Authority or, where required, consultation with the Department of Fisheries.~~

~~3.4. — Notwithstanding policy 1 above extensions or enlargements of existing buildings and structures in the adjacent land area to an identified Fish Habitat may be permitted provided that it is demonstrated to the satisfaction of the appropriate regulatory agency or approval authority that such extension or enlargement will have no negative impact on the fish habitat as demonstrated by an Environmental Impact Assessment undertaken in keeping with section 3.5.3 of this Plan.~~

4. It is the policy of this Plan to encourage the re-establishment of naturally vegetated buffer strips along water bodies and headwater areas. Existing buffers ~~should~~ shall be maintained and where possible, enhanced.

5. Although storm water management and drainage measures are often located some distance from a watercourse these measures can impact the water quality and quantity of the watercourse and affect fish habitat. When evaluating storm water management and drainage activities, consideration shall be given to impacts upon fish habitat, in conjunction with Section 4.1-6.3.6.4.3 of this Plan.

6. The advice of the Department of Fisheries and Oceans and the Cataraqui Region Conservation Authority ~~through the Cataraqui Region Conservation Authority, which serves as the first point of contact for the Department of Fisheries and Oceans~~ should be sought where any proposal may potentially impact fish habitat. In instances where a proposal may result in a harmful alteration, disruption or destruction of fish habitat the proponent must obtain authorization from the Department of Fisheries and Oceans and approval from the Cataraqui Region Conservation Authority. ~~through the CRCA.~~

3.6.4.4 River Corridors

River Corridors

~~Town of~~ Gananoque enjoys the presence of two rivers, the St Lawrence and the Gananoque. These natural features contributed in a significant way to the Town's history and in many ways have defined the settlement pattern. Development along these river corridors has continued throughout the Town's history and as a result there are fewer and fewer opportunities for public access to these water bodies. This section of the Plan seeks to encourage the preservation of shoreline areas in order to enhance the recreational and economic benefits which can be derived from enhanced public access and the preservation of natural shoreline states.

The following land use policies shall apply in addition to the policies of the applicable land use designation along the shorelines of the two rivers.

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1. Where development is proposed, which would require shoreline alterations, a permit under the ~~Ministry of Natural Resources~~ Public Lands Act, 1990 and ~~(MOD 3)~~ approval under Ontario Regulation 148/06 administered through the Cataraqui Region Conservation Authority may be required.
2. Where new development lots are created or new development on existing lots occurs, dwellings and sewage disposal systems shall be set back a minimum of 30 metres from the high water mark or 15 metres from the floodplain -to account for variations in flood elevation, changes in the anticipated extent of the floodplain, and situations that may affect flood levels in accordance with CRCA requirements ~~line with CRCA recommendations~~, whichever is greater. The setback should also take into account and address erosion hazards.
3. When reviewing development proposals for land abutting the shoreline, Council may require that lands be dedicated for public purposes which will preserve public access to the water body and where possible shall ensure that such lands be accessible from a public road
4. ~~When reviewing subdivision, consent and site plan~~ Development applications shall consider the impacts of the development on the visual access to the waterbody and ensure that the placement and appearance of the development, when viewed from the water body, complements the natural setting.
5. Access and enjoyment of the natural features of the Town, such as shorelines of the St. Lawrence River and Gananoque River, trails and wooded areas will be enhanced and protected by:
 - a. improving physical and visual access from adjacent public streets, parks and open spaces;
 - b. ensuring that adjacent development, including new streets, parks and open spaces, building location, height, massing and organization, will preserve and enhance access and views between these natural features and the public realm;
 - c. providing for public access along, into and through these natural open spaces, where appropriate; and
 - d. minimizing shadows on natural features to preserve their utility and ecological health.
6. Where development proposes shoreline alterations a development permit may be required from the federal Department of Fisheries and Oceans or its delegate.
7. Council may enact By-laws or Policies ~~a Tree-Cutting By-law and/or a Site Alteration By-law~~ to control or prevent the degradation of shoreline areas which could be caused by the removal of vegetation or the disturbance of native soils.

3.6.4.5 Wildlife Crossings

Wildlife Crossings

Schedule ~~E-F~~ identifies areas where wildlife is known to cross Highway 401. These corridors provide opportunity for many species of wildlife to access the St. Lawrence River from the north part of the municipality and from an area commonly referred to as the Algonquin Adirondack Trail. Appropriate protective measures for these vital migration routes for wildlife will be included with any development proposal. An ecological site assessment will be required as part of a complete proposal. Applicants will also be required to submit an Environmental Impact Assessment for development applications in or within 50 metres of wildlife crossings (MOD4) which demonstrates no net loss of wildlife utilization or alternatively shall demonstrate how any loss can be compensated.

3.6.4.6 Linkages and Corridors

Areas of contiguous woodlands, wetlands, shorelines and other natural heritage environmental features and areas represent important areas of wildlife habitat that are critical to the movement of wildlife. These linkages and corridors, as shown on Schedule F, must be protected, enhanced and restored in the long term. The introduction of recreational trails or other uses that could harm these areas is discouraged unless it can be demonstrated that the proposed use will not harm the natural wildlife habitat. Through an environmental impact assessment, it may be determined that previously unmapped significant wildlife habitat should be recognized, and given protection. An environmental impact assessment should identify linkages and/or corridors that help support or enhance the ecological function of a natural heritage feature or area by making or maintaining a connection to the natural heritage system and/or other natural heritage features and areas.

3.6.4.7 Setbacks for Development

Setbacks from natural heritage features and areas are established based on the recommendations of an approved environmental impact assessment or any other technical study that may be required (e.g. floodplain analysis, geotechnical study, etc.) and will be implemented through the zoning Development Permit By-Law in consultation with the Province of Ontario Ministry of Natural Resources and Forestry, the Cataraqui Region Conservation Authority, or Parks Canada, as appropriate.

3.6.4.7.1 Land Division

Land division through severance or plan of subdivision (or condominium) that has the effect of fragmenting lands within the natural heritage system is discouraged.

Public Open Space

~~The Town of Gananoque owns a significant amount of open space within the Town's corporate limits. Some of this space is undeveloped and has to date been maintained in its natural state.~~

~~These lands may be developed for active or passive recreational uses such as parks, boat launches, walking trails, picnic areas, etc. when resources are available. Council may undertake a recreational master plan to assist in its decision-making process with respect to the development, sale or purchase of lands intended for public open space.~~

3.6.23.6.5 ENVIRONMENTAL IMPACT ASSESSMENTS Environmental Impact Assessments

Potential negative impacts will be examined through a process of environmental impact assessment, carried out on a case by case basis, prior to development approval.

3.6.5.1 Environmental Impact Assessment Study

Environmental Impact Assessment Study

The “Guidelines for Environmental Impact Assessment” prepared by the Cataraqui Region Conservation Authority, as amended from time to time, or other guidelines used by the Town City to supplement the CRCA Guidelines, will guide the preparation of environmental impact assessments. In general, an environmental impact assessment must:

- a) be undertaken by a qualified person with current knowledge in the field of biology, ecology, hydrology or other specialty as required by the specific circumstances;
- b) use appropriately scaled maps to show topography, existing uses and buildings, and all existing natural heritage features and areas and cultural heritage resources, whether or not they have been deemed significant for the subject site and areas adjacent to it;
- c) use appropriately scaled maps with topographic contours to show proposed uses, proposed site alteration and/or development;
- d) provide a thorough inventory of flora and fauna and related habitat communities to be completed over a seasonal time span that is appropriate;
- e) provide relevant information on geology (significant landforms), hydrology or hydrogeology;
- f) summarize the best information available collected from other agency or scientific sources and discuss the natural heritage features and areas, and the associated ecological functions;
- g) review the ecological functions of the natural heritage features and areas identified including habitat needs and the contribution of the site to the natural heritage system;
- h) evaluate any unevaluated wetlands in accordance with the Ontario Wetland Evaluation System;

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- i) assess the cumulative impacts of the development proposal and any other existing or known future proposals in the vicinity; and
- j) assess the impact of the proposed development or site alteration on the various attributes of the natural heritage system during and after construction, and:
 - recommend measures designed to ensure there is no disturbance of the feature, and that will result in no negative impact;
 - review alternative options and identify any monitoring requirements; and
 - provide a professional conclusion as to whether the proposal is acceptable, considering potential impacts to natural heritage features and areas, related functions, and any proposed measures needed to protect the natural heritage feature(s) or area(s) affected, consistent with the Provincial Policy Statement and the policies of this Plan.

The scope and scale of any environmental impact assessment required by this Plan must be determined in consultation with the Town, the Cataraqui Region Conservation Authority, and/or other appropriate agency or Ministry. ~~For areas having a particular value for their natural heritage feature or function, the distances noted this section may be increased in order to ensure that the environmental impact assessment adequately evaluates the impacts of a proposed development on the natural heritage system.~~

The ~~required environmental impact assessment, Town, in consultation with the Cataraqui Region Conservation Authority, the Ministry of Natural Resources and Forestry, or other agency or Ministry, as appropriate,~~ may be tailored the requirements regarding for the appropriate level of effort ~~for the environmental impact assessment~~ on a site specific basis depending upon the characteristics of the natural heritage feature, the adjacent area, the nature of the proposed development, any intervening development that already exists within the adjacent lands, or other relevant factor that is identified.

~~For areas having a particular value for their natural heritage feature or function, the distances noted this section may be increased in order to ensure that the environmental impact assessment adequately evaluates the impacts of a proposed development on the natural heritage system.~~

~~1.1.1.1.1 Linkages and Corridors~~

~~Areas of contiguous woodlands, wetlands and other natural heritage features and areas represent important areas of wildlife habitat that are critical to the movement of wildlife. These linkages and corridors, as shown on Schedule F, must be protected, enhanced and restored in the long term. The introduction of recreational trails or other uses that could harm these areas is discouraged unless it can be demonstrated that the proposed use will not harm the natural wildlife habitat. Through an environmental impact assessment, it may be determined that previously unmapped significant wildlife habitat should be recognized, and given protection. An environmental impact assessment should identify linkages and/or corridors that help support or~~

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~~enhance the ecological function of a natural heritage feature or area by making or maintaining a connection to the natural heritage system and/or other natural heritage features and areas.~~

~~1.1.1.1.1 Setbacks for Development~~

~~Setbacks from natural heritage features and areas are established based on the recommendations of an approved environmental impact assessment or any other technical study that may be required (e.g. floodplain analysis, geotechnical study, etc.) and will be implemented through the zoning by-law in consultation with the Ministry of Natural Resources and Forestry, the Cataraqui Region Conservation Authority, or Parks Canada, as appropriate~~

~~1.1.1.1.1 Land Division~~

~~Land division through severance or plan of subdivision (or condominium) that has the effect of fragmenting lands within the natural heritage system is discouraged.~~

The preparation of an environmental impact assessment (EIA) study may be required for submission prior to the approval authority making a formal decision on a planning application (eg. Official Plan amendment, zoning amendment, site plan control, subdivision, consent, etc.) to assess the negative impacts on the natural features and the ecological functions of the area in question. The EIA shall be completed by a qualified individual or company and shall fulfill each of the following steps:

- ~~1. Research, identify, map, and prioritize the characteristics of the natural heritage features that made it significant.~~
- ~~2. Describe and map the proposed development activities, including building location, excavation, site grading, landscaping, roadway construction, paving, drainage works, and sewer and water servicing in relation to the natural heritage feature.~~
- ~~3. Predict the effects that the proposed development may have on various components of the environment, such as wildlife, fish, vegetation, soil, surface water, ground water, and air, taking into consideration effects during and after development or site alteration.~~
- ~~4. Evaluate the significance of all predicted negative and positive effects on the various environmental components.~~
- ~~5. Itemize and recommend all measures that can be taken to avoid or mitigate the predicted negative impacts.~~
- ~~6. Evaluate the cumulative effect that the project (and any other projects or activities) may have on the characteristics of the natural heritage feature which made it significant, after mitigation.~~
- ~~7. Conclude with a professional opinion on whether negative impacts will prevail, and on the significance of the impacts, if any, and if ongoing monitoring is required.~~

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~~The approval authority may require that the EIA be peer reviewed prior to making a decision on the development application.~~

~~The approval authority may use various planning and other approvals (eg. site plan control, site specific zoning, site alteration by laws, etc.) to ensure that the development or site alteration occurs in accordance with the environmental impact assessment study recommendations.~~

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SCHEDULE F - NATURAL AND CULTURAL HERITAGE FEATURES

3.7 DEVELOPMENT CONSTRAINTS – PLANNING FOR PUBLIC HEALTH AND SAFETY

Gananoque’s sustainability depends upon reducing the potential risk associated with development in and adjacent to lands that are impacted by either natural hazards or human made hazards.

Gananoque’s natural hazards include lands along the St. Lawrence and Gananoque Rivers that are impacted by flooding and/or erosion hazards, hazardous sites that are impacted by unstable slopes or organic soils and other lands with hazardous forest types for wildland fires. These hazards may be impacted by the changing climate.

Gananoque’s human made hazards include lands affected by former mineral aggregate operations, former landfill sites and sites that may be contaminated due to historic land use activities.

As a complete community, Gananoque includes a mix of land uses, including residential and industrial, as well as major infrastructure corridors, such as Highway 401. The compatibility between these land uses and infrastructure will be maintained and enhanced.

Gananoque’s known natural and human made hazards are shown on **Schedule G**, based on information provided by the Province of Ontario and Cataraqui Region Conservation Authority.

It is recognized that not all natural or human made hazards are shown on **Schedule G**. **Schedule G** will be updated as new information becomes available. Gananoque and/or the CRCA may require studies to inform any decision to permit development and/or site alteration on any lands that are considered to be impacted by natural or human made hazards prior to development or site alteration occurring. Lands impacted by natural hazards are also subject to CRCA requirements and approval.

~~Our natural landscape and resources are constantly being shaped and reshaped by naturally occurring physical and ecological processes. These landscapes and resources only become a hazard when people and structures are located within them or are affected by them. As such environmental conditions occasionally represent significant constraints to the development of land such that there can exist a significant threat to people’s health and safety. Constraints to development are primarily related to hazardous conditions such as the existence of floodplains, erosion hazards and the presence of unstable slopes or organic soils. To a lesser extent, development may be restricted on the basis of existing site contamination or noise concerns.~~

~~The preparation of these development constraint policies was undertaken with the objective of integrating them with other policy areas, primarily those policies addressing natural heritage sectors. Issues surrounding water quality and quantity, wetlands, soils, fisheries and woodlands are closely related to development constraints. As such these policies should not be read in isolation.~~

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~~For instance, development is prohibited in a floodplain or in areas subject to slope failure because it can result in changes to natural conditions that may actually endanger areas previously unaffected. Promoting quality of life and self sufficiency for our citizens requires that all development be carried out in a manner which ensures that life, safety and economic welfare be protected.~~

3.7.1 Goals and Objective

Goal: To ensure that development will not pose a danger to public safety or health or result in property or environmental damage.

3.7.2 Identifying Hazard Areas

~~Accurate mapping showing the location of areas characterized by health and public safety hazards and/or by constraints for development is of crucial importance in order to ensure informed decisions by approval authorities when considering development applications. The limits of hazard areas shown on Schedule E were identified on the basis of information provided by the Ontario Ministry of Natural Resources and the Cataraqui Region Conservation Authority. The Ministry of the Environment has provided information respecting contaminated sites such as closed landfill sites and policy direction respecting appropriate setback distances to industrial sites.~~

3.7.3 General

~~Hazardous areas are identified on Schedule G on the basis of the particular characteristics which pose a threat to public health and safety which may result should these areas be developed. The constraints include areas subject to flooding, areas affected by unstable slopes, organic soils, erosion hazards and contaminated sites. Where hazard land mapping is complete, it is shown on Schedule G. However, it is recognized that hazardous conditions may exist which are not shown on Schedule G.~~

3.7.43.7.2 Flooding Hazards Hazardous Lands – Flooding And Erosion

3.7.4.1 Defining Areas Subject to Floods and Erosion

Lands along the St. Lawrence and Gananoque Rivers are subject to flood hazards. The approximate limit of the flood hazard is shown on Schedule G. The flood hazard includes lands that are subject to the 100 year flood and an allowance for wave uprush, where applicable. The 100 year flood is the peak or flood flow with one chance one hundred of occurring in any given year. Wave uprush occurs along shorelines that are subject to wave action, where winds can drive the waves and water beyond the 100 year flood allowance. According to the CRCA, the 100 year flood level is 75.9 to 76.0 metres Geodetic Survey of Canada (GSC) and the wave uprush allowance of 0.25 to 0.48 metres, for a flood hazard of 76.3 to 76.4 metres GSC.

Development and site alteration is not permitted on lands that are subject to flood hazards, except for those uses that by their nature must be located within the flood hazard and do not

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affect flood flows, such as flood or erosion structures, shoreline stabilization works, water intake facilities and marine related facilities such as docks and boathouses, all subject to the approval of the Town and CRCA. Uses such as agriculture, forestry, conservation, wildlife management and outdoor education uses are permitted, provided that no associated buildings or structure are located in the flood hazard.

Development that includes hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools, essential emergency services, electrical substations, and uses associated with the disposal, manufacture, treatment or storage of hazardous substances are not permitted.

Development may be permitted on lands that are partly subject to flood hazards where there is sufficient area of land outside of the flood hazard to accommodate the proposed development in accordance with the Official Plan, [Zoning By-law](#) [Development Permit By-Law](#) and CRCA requirements.

On an existing lot of record, development and site alteration shall only be permitted within the flood hazard where the effects and risk to public safety are minor, can be mitigated in accordance with provincial standards, as determined by demonstrating and achieving all of the following:

a) Development and site alteration is carried out in accordance with floodproofing standards, protections work standards, and access standards;

b) Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;

c) New hazards are not created and existing hazards are not aggravated; and,

c) No adverse environmental impacts will result.

Lands designated flood hazard will be placed in an appropriate category in the Community Planning Permit By-law (Zoning).

Any changes to the flood hazard limit approved by the CRCA will be incorporated into the Official Plan through an amendment. Until such time that the amendment comes into effect, the CRCA approved flood hazard limits shall prevail over this Official Plan.

3.7.3 Erosion Hazards

Lands along the St. Lawrence River, Gananoque River and streams are subject to unstable slopes and erosion hazards. The approximate limit of unstable slopes and erosion hazards are shown on Schedule G. The erosion hazard includes the 100 year erosion rate and includes allowances for toe erosion, slope stability and access during emergencies.

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Development and site alteration is not permitted on lands that are subject to erosion hazards and that are outside the flood hazard without CRCA approval.

Development that includes hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools, essential emergency services, electrical substations, and uses associated with the disposal, manufacture, treatment or storage of hazardous substances are not permitted.

Development may be permitted on lands that are partly subject to erosion hazards where there is sufficient area of land outside of the erosion hazard to accommodate the proposed development in accordance with the Official Plan, [Zoning By-law](#) [Development Permit By-Law](#) and CRCA requirements.

On an existing lot of record, development and site alteration shall only be permitted within the erosion hazard where the effects and risk to public safety are minor, can be mitigated in accordance with provincial standards, as determined by demonstrating and achieving all of the following:

a) Development and site alteration is carried out in accordance with engineering standards, protections work standards, and access standards;

b) Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;

c) New hazards are not created and existing hazards are not aggravated; and,

c) No adverse environmental impacts will result.

Lands designated erosion hazard will be placed in an appropriate category in the Community Planning Permit By-law (Zoning).

Any changes to the erosion hazard limit approved by the CRCA will be incorporated into the Official Plan through an amendment. Until such time that the amendment comes into effect, the CRCA approved erosion hazard limits shall prevail over this Official Plan.

~~In accordance with the underlying designation on Schedules A, B, C, D or E, development and site alterations may be permitted in areas subject to erosion related hazards which are not located in the flood plain. All new development and site alterations on hazardous lands must achieve all of the following:~~

~~the hazards must be safely addressed and the development and site alteration is carried out in accordance with the established standards and procedures;~~

~~new hazards are not created and existing hazards are not aggravated;~~

~~no upstream or downstream adverse impacts will result;~~

~~vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies; and~~

~~the development does not include institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of hazardous substances.~~

~~The approval from the Cataraqui Region Conservation Authority under Ontario Regulation 148/06. The necessary setbacks will be determined upon consultation with the Cataraqui Region Conservation Authority. (MOD-6)~~

~~in certain instances, the Town may require a technical analysis by a qualified geotechnical engineer where conditions warrant as part of a complete application.~~

3.7.53.7.4 Unstable Slopes and Organic Soils

3.7.5.1 Policies

Gananoque has several areas of unstable, organic soils. The approximate location of these soils is shown on Schedule G. Organic soils are formed by the process of humification, the decomposition of vegetative and organic materials into humus.

Development and site alteration may be permitted on lands with organic soils, subject to a [Zoning By-law Development Permit By-Law](#) Amendment, supported by an engineering report prepared by a qualified professional that demonstrates that the site is suitable or can be made suitable for development.

Development that includes hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools, essential emergency services, electrical substations, and uses associated with the disposal, manufacture, treatment or storage of hazardous substances are not permitted.

Development may be permitted on lands that are partly underlain by organic soils, where there is sufficient area of land outside of the organic soils to accommodate the proposed development in accordance with the Official Plan, [Zoning By-law Development Permit By-Law](#) and CRCA requirements.

Lands subject to organic soils will be placed in an appropriate category in the Community Planning Permit By-law (Zoning).

~~Development and site alteration in areas designated as having unstable slopes, i.e. lands with a slope stability factor of safety of 1.5 or less, or organic soils is prohibited except by site-specific Zoning By-law amendment. Site-specific zoning amendments are not required where the Building Code Act addresses the requirements for development in areas of unstable slopes as shown on Schedule E. Site-specific Zoning By-law amendments to permit construction of a building or structure may be passed only if all of the following conditions are met:~~

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- ~~1. development may be permitted in accordance with the underlying designation in areas of unstable slopes as shown on Schedule E with appropriate development setbacks as provided in a joint report prepared by the Ministry of Natural Resources and the Ministry of Northern Development and Mines;~~
- ~~2. sufficient soils and engineering information is made available to indicate that, although the site is identified as having unstable slopes or organic soils, it is in fact suitable or can be made suitable for development using accepted scientific and engineering practices;;~~
- ~~3. alterations to the site will not result in increased hazards or cause adverse environmental effects on or off-site;~~
- ~~4. the designation on Schedule A, B, C, D or E permits the proposed development.~~

~~Notwithstanding the above, institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of hazardous substances shall not be permitted on lands designated as having unstable slopes or organic soils.~~

3.7.5 Wildland Fire Hazards

Gananoque has several areas that have been identified, based on forest cover types, to have extreme to high potential for wildland fire. The approximate limits of these areas is shown on Schedule G.

Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire.

Development may be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards.

3.7.6 Former Mineral Aggregate Sites

Gananoque has two abandoned granite quarries. The approximate location of these quarries is shown on Schedule G.

Development on, abutting or adjacent to former mineral aggregate operations may be permitted if rehabilitation or other measures to address and mitigate known or suspected hazards are underway or have been completed.

3.7.6.3.7.7 Contaminated Sites

Gananoque has several former commercial and industrial sites that may have contaminated soil and groundwater associated with the historic use of the site. These sites are not shown on any land use schedule.

In order to ensure that there will be no adverse effects from any proposed development or intensification, environmental site assessments and, where necessary, remediation of less

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sensitive use sites are required prior to any change to a sensitive use. The Town will require a Record of Site Condition acknowledged by the Province of Ontario prior to any such change in use.

All applications for development and intensification on less sensitive use sites will include a Phase I Environmental Site Assessment (ESA) prepared by a Qualified Person to the prescribed standards.

The Town may use the tools available to it under the ~~Planning Act~~ *Planning Act* to ensure that a site is suitable for its intended use prior to a change of use. These include, but are not limited to, Holding By-laws, Provisional Consent and Draft Plan of Subdivision Approval conditions.

~~Contaminated sites are defined as sites where the environmental condition of the property, i.e. the quality of the soil or ground water, may have the potential for adverse effects to human health or the natural environment. Current mapping showing contaminated sites was not available at the time this Official Plan was drafted. In reviewing development applications the approval authority may require the undertaking of an ESA.~~

~~Where the ESA produces reasonable evidence to suggest the presence of site contamination, the proponent may be required to undertake appropriate technical studies as part of the development review process in order to identify the nature and extent of contamination, to determine potential human health and safety concerns as well as effects on ecological health and the natural environment, to demonstrate that the site can be rehabilitated to meet provincial standards and to establish procedures for site rehabilitation and mitigation of the contamination.~~

~~The proponent will be required to restore the site and to make it suitable for the proposed use in accordance with the recommendations of any required technical studies prior to development or land use change.~~

~~The ESA and site restoration shall be undertaken according to Ontario Regulation 153/04, Record of Site Condition.~~

~~Site Decommissioning And Clean-Up~~

~~It is the intent of Council to ensure the proper decommissioning and clean-up of contaminated sites prior to their redevelopment or reuse. Prior to Council's approval of an Official Plan Amendment and prior to the approval of a Zoning By-law amendment, subdivision, condominium, consent or other planning application by the appropriate approval authority on a site that is potentially contaminated or is contaminated, the proponent shall document the present and past use of the site and surrounding lands, engage professional assistance in the analysis of soils, ground waters and surface waters as required in consultation with the Ministry of the Environment and shall prepare a remedial action plan in accordance with "Ontario Regulation 153/04, Record of Site Condition". where the contaminants are in concentrations above Ministry established acceptable concentrations. A Ministry of the Environment "Record of Site Condition" may be required to confirm that a site is suitable for its intended use. The~~

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~~proponent shall ensure the supervision of excavation and soil handling activities during site clean-up.~~

~~Where planning applications are not required, Council may require a proponent of development to consult with the Ministry of the Environment on the suitability of site development.~~

~~Mandatory filing of a record of site condition in the Registry is required for the change of use of a property from industrial or commercial to residential or parkland. Phase 1 Environmental Site Assessments (ESA) should be carried out at sites which may be contaminated and Phase 2 ESA's should be completed if required. Clean-up of contaminated sites should be done in accordance with the Record of Site Condition Regulation (O. Reg. 153/04) and with MOE guideline "Records of Site Condition—a Guide on Site Assessment, The Clean-up of Brownfield Sites and the Filing of Records of Site Condition" dated October 2004 or associated guidelines.~~

3.7.7.3.7.8 Other Health and Safety Concerns

3.7.7.13.7.8.1 Noise, and Vibration, and Odours

1. Noise and vibration impacts shall be addressed for new sensitive land uses adjacent to existing railway lines, highways, sewage treatment facilities, waste management sites, industries or other stationary or line sources where noise and vibration may be generated. Council may require the proponent to undertake noise and/or vibration studies to assess the impact on existing or proposed sensitive land uses within minimum distances identified in [Ministry of Environment Provincial guidelines](#), including [Publication LU—134NPC-300, Environmental Noise Assessment Criteria in Land Use Planning Guidelines](#). Noise and/or vibration attenuation measures will be implemented, as required, to reduce impacts to acceptable levels.
2. Notwithstanding policy 1 above existing and proposed agricultural uses and normal farm practices, as defined in the Farm and Food Production Protection Act, 1998, shall not be required to undertake noise and or vibration studies.

3.7.7.23.7.8.2 Incompatible Land Uses

Every effort shall be made to prevent or minimize future land use conflicts which can arise when incompatible land uses develop in close proximity to one another. [Ministry of the Environment Provincial](#) guidelines on Land Use Compatibility (Guidelines D-1, D-2, D-4 and D-6 and any other relevant or future [MOE Provincial](#) Guideline documents) shall be applied when preparing and adopting local [Zoning By-law/Development Permit By-Laws](#) and when considering amendments to this Official Plan.

SCHEDULE G – DEVELOPMENT CONSTRAINTS

4.0 MAKING IT WORK – OUR INFRASTRUCTURES

Infrastructure refers to the construction and maintenance of roads, bridges, structures and railway lines required for transportation services, the physical supply and distribution of water, the collection and treatment of waste water and the management of storm water, the collection and disposal of solid waste, the construction and maintenance of energy production and distribution facilities such as hydro-electric structures, wind and solar energy facilities and gas pipelines and finally the development of communication facilities such as transmission towers and underground telephone and fibre optic lines. Infrastructure policies also take [multi-modal transportation](#) into consideration, [including](#) the on-going development of multi-purpose recreational trails, [cycling facilities, and other active transportation infrastructure](#) by the Town of Gananoque and other authorities.

~~*The Planning Act requires that infrastructure expansions conform to the upper tier Official Plan. (See Section 24.1, Planning Act).*~~ The *Development Charges Act, 1997* and associated regulation requires that the Council of a municipality must indicate, in an approved Official Plan, capital forecasts or similar expression of the intention of the Council, that it intends to ensure that an increase in the need for service will be met (See *Development Charges Act*, paragraph 3 of Section 5(1)).

The provision of transportation, water, waste water, solid waste, energy and communication infrastructures are crucial to ensuring that the Gananoque can continue to accommodate growth in a manner which is environmentally, socially and economically sustainable [and which mitigates and adapts to the impacts of climate change.](#) ~~Further, it is the intent of these policies to ensure that infrastructure and resources are used efficiently and with consideration to mitigate and adapt to the impacts of climate change. The Town may conduct and implement studies or plans to ensure efficient and sustainable use of the Town's resources for current and future servicing needs.~~

4.1.1 Goals and Objectives

Goal: To ensure that effective infrastructure services will be provided by the appropriate level of government or the private sector in a cost effective manner which recognizes development priorities, ~~and which~~ ensures the protection of our environment, [and mitigates the impacts of climate change.](#)

Objectives:

1. That the road network within the Gananoque, regardless of which level of government is responsible, will function in a cost effective, efficient and safe manner for the movement of people and goods throughout the territory;

2. That infrastructure will ensure opportunities for low-carbon transportation and development to mitigate the impacts of climate change

2.3._____ That water, waste water and stormwater will be managed in ways which use water resources sustainably, are financially responsible, promote water conservation and efficiency, mitigate the impacts of climate change, and which protect the safety of humans and the natural environment, a fiscally and environmentally responsible manner;

3.4._____ That waste management is carried out in a manner which is environmentally sustainable and to provide appropriate waste management infrastructures which support on-going development;

4.1.2 General Policies

It is the intention of Council to ensure that an increase in the need for eligible services and infrastructure may be recoverable through the enactment of a development charge by-law under the *Development Charges Act*, 1997 by the Town of Gananoque. In short, growth-related eligible public works and municipal services may be in part or in whole funded through development charges.

4.1.3 Transportation

The management of the roadway infrastructure in Town of Gananoque is shared between the Province and the Town. The transportation system is composed of Provincial highways, local public roads opened and maintained on a year round basis and private roads. The transportation network is shown on Schedule xH.

The Town shall review the transportation network in order to ensure safety and energy efficiency to facilitate current and future needs for the movement of people and goods. The Town recognizes the importance of transitioning to low carbon transportation and will enhance infrastructure to support active modes of transportation, as appropriate. The Town may prepare studies and plans for projected transportation needs and transportation demand management, including active transportation and transit.

4.1.3.1 Highway 401

There is one Provincial Highway in Gananoque, Highway 401. Development fronting on or in proximity to this highway must be reviewed by the Ministry of Transportation Ontario (MTO) and development is conditional on the issuance of MTO permits which are designed to ensure that the long term efficiency of the highway is not compromised. The MTO permit can apply to building setbacks, signage, location and number of highway accesses, frontage requirements and required improvements such as culvert installation, road widenings, traffic signalization or the construction of turning lanes. Any outdoor storage and loading areas will be screened and

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buffered from viewscapes along the provincial highway. Development proponents will be required to consult with the MTO prior to the submission of a development application.

4.1.3.2 Local Roads

Local roads consist of arterials, local collectors and local streets which are publicly maintained on a year round basis and private roads. All local road types shall generally have a minimum right-of-way width of 20 metres, however reduced right-of-way widths may be accepted through the subdivision or condominium review process provided that the right-of-way widths can accommodate all of the required servicing infrastructures for the proposed development and provided that the approval authority is satisfied that the reduced widths will not result in lower quality development. Access control for all roads may be established in the Development Permit By-Law.

Where appropriate, a complete street design shall be implemented on new and existing roads to facilitate active modes of transportation, such as walking and cycling. Sidewalks and/or multi-purpose paths shall be required on both sides of all arterial and collector roads to continue to promote connectivity throughout the Town. Local Streets shall require a minimum of one side to be a sidewalk to be determined by the Town. The Town, at its discretion, may choose to require multi-purposes paths or not provide sidewalks with proper consideration or alternate options on local streets.

The following policies shall apply to the local road network:

1. Arterial

Arterial Roads are intended to carry large volumes of traffic and serve to provide the major transportation routes throughout the community and connections to the Provincial Highway. Access will be limited in order to maintain their primary function. The minimum width of any arterial roadway right of way shall be 26 metres. Sidewalks and/or multi-purpose paths shall be required on both sides of all arterial and collector roads to continue to promote connectivity throughout the Town. The Town will also consider traffic calming infrastructure to improve road safety for multiple modes of transportation.

2. Local Collector

Local collectors are identified on Schedule H. Access to local collectors shall generally be minimized in order to ensure that the main function of the roadway as an efficient transportation artery is maintained. Access control shall be established in the zoning by law. The minimum width of any local collector right of way shall be 20 metres. Sidewalks and/or multi-purpose paths shall be required on both sides of all local collector roads to continue to promote connectivity throughout the Town.

3. Local Street

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Local streets are identified on Schedule H. Generally new development and lot creation on local streets may be permitted in accordance with the relevant policies of this Plan and the requirements of the [zoning by-law/Development Permit By-Law](#). The minimum width of any local street right of way shall be [20-18 metres](#). ~~A reduced right of way standard may be accepted in new developments where it can be demonstrated that required infrastructures including snow storage space can be accommodated.~~

~~Local Streets shall require a minimum of one side to be a sidewalk to be determined by the Town. The Town, at its discretion, may choose to require multi-purposes paths or not provide sidewalks with proper consideration or alternate options on local streets. The Town will also consider traffic calming infrastructure to improve road safety for multiple modes of transportation.~~

4. Private Roads

Private roads are identified on Schedule H. New private roads or the extension of existing private roads is only permitted where such roads are required as part of a condominium plan which defines responsibility for the long term maintenance of the private road. In such cases an amendment to the Official plan is not required.

5. Lanes or Alleyways

Lanes or alleyways are found in the older parts of the municipality and were originally designed as service accesses. [New development with frontage only on a lane or alleyway shall be permitted in the case of Additional Residential Units, accepting the provisions of 3.2.2.12 of this plan.](#) ~~New development with frontage only on a lane or alleyway is not permitted.~~ The development of new lanes or alleyways may be permitted as a feature of new Greenfield subdivision development.

4.1.3.3 Active Transportation

[Active transportation, such as through walking or cycling, has significant individual, social, environmental, and economic benefits. The Town recognizes the importance of improving linkages and connectivity for the community to enjoy open spaces and natural heritage and transition to low carbon forms of transportation. Improved pathway access will be prioritized for the waterfront and downtown, in additions to connections between these two areas.](#)

[The Town will enhance and expand, where appropriate, existing infrastructure and wayfinding to encourage multiple modes of active transportation. This includes but is not limited to sidewalks, recreational trails, informal bicycle routes, on-road bicycling lanes, and bicycle parking. The Town may also prepare future studies or plans to establish and manage this active transportation network.-](#)

[The Town will consider complete street design to facilitate active modes of transportation, such as walking and cycling. The Town may also establish guidelines for streetscaping to encourage](#)

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inclusive, inviting, and comfortable active transportation and pedestrian activity. The Town shall improve opportunities for cycling throughout the Town by establishing both an on-road and off-road cycling network when considering road reconstruction provided road allowances permit.

New development will be encouraged to provide adequate facilities and supportive infrastructure for safe and accessible pedestrian and active transportation, including but not limited to rest areas, street lighting, bicycle parking, and bicycle repair stations.

The Town shall continue to improve the walkability of the Town by connecting trails, streets and open spaces by ensuring that new development is oriented to pedestrians and provides connectivity for pedestrians between private development, active transportation routes and cycling.

4.1.3.4 Transit

Currently, there are no transit services provided within Gananoque. The Town recognizes demand for transit options within the town and to surrounding communities. The Town may prepare and implement studies and plans to accommodate future need for transit services, including consideration of fixed and demand-based transit models.

4.1.3.34.1.3.5 Land Acquisition

Land may be acquired by the Town for road widenings, road extensions, rights of way, active transportation infrastructure or, intersection improvements ~~or railway crossing improvements~~. Such land may be acquired through the subdivision or consent process, through site plan development permit control or through formal agreements. Schedule F identifies the minimum rights-of-ways for highways and roads to be widened and the extent of the proposed widenings.

4.1.3.44.1.3.6 Extension or improvements to Existing Roads

Extensions to existing roads may proceed without amendment to this Plan provided that the extension is required to improve the local or Town road system. Minor extensions may be permitted for development purposes provided that the roadway extension is constructed to municipal standards at no cost to the municipality and provided that the local council is satisfied that the extension and the subsequent maintenance costs are justified.

4.1.3.54.1.3.7 Addition of Roads

New roads may be added to the road system without amendment to this plan where such roads are the result of the approval of a ~~Plan of Subdivision or is required as a condition of Site Plan Approval~~ Planning Act application.

4.1.3.64.1.3.8 Conversion of Roads

The conversion of private roads to public roads shall require an amendment to this Plan. An amendment shall not be required where such private road meets municipal design standards for public streets.

4.1.3.74.1.3.9 Bridges

Bridges and culverts are an integral component of the Gananoque transportation systems. The maintenance, repair, replacement or expansion of these structures is an on-going and necessary activity and is considered consistent with the policies of this Official Plan.

4.1.4 WATER, WASTE WATER AND STORMWATER SERVICESWater, Waste Water and Stormwater Services

4.1.4.1 General Policies

1. The need to ensure that water and waste water infrastructures are properly maintained and expanded to meet growth and development priorities is crucial to the long term economic and environmental ~~health~~health of the municipality. It is the long-term intent that all development in the municipality be on full municipal water and wastewater services. As such any capital expenditures required for water and waste water system maintenance and expansion are considered to be in full conformity with this Official Plan.
2. Development will not be encouraged where such development would result in, or could lead to, unplanned expansions to existing water and waste water infrastructures.
3. ~~Development shall generally be directed to areas where water and waste water services can reasonably be extended~~are available, planned, or feasible. The Town shall develop ~~ment~~ a phasing strategy prior to considering the extension of services, particularly in subdivision development. ~~(MOD-7)~~
3. Municipal sewage and water services are the preferred form of servicing for all new developments, and intensification will be encouraged in areas with existing municipal services.
4. Where municipal services are not available, planned, or feasible, private communal services will be considered. When neither municipal nor private communal services are available, planned, or feasible, individual on-site services will be considered, provided that conditions have no negative impacts and are suitable for long-term service provisions.
5. Any development which does not propose municipal service use will require a servicing options study which includes a supporting rationale for the alternative

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- proposed. The applicant must show that there is sufficient quantity and quality of potable water and must also demonstrate that a permit can be obtained for the proposed sewage system from the Health Unit or the Province as applicable. In addition the applicant must demonstrate that the proposed development will not result in increased costs to the municipality for the provision of other required services such as road maintenance, school transportation, waste collection, etc.
6. Where development is permitted on communal or private services, it shall be subject to site plan control or servicing agreement with the Town which shall require that the development be connected to municipal services at such time as they are extended to the subject land. The agreement shall also require the landowner to contribute financially for the extension of services and acquisition of sanitary sewer and water plant capacity, and provide any easements necessary/relevant to the extension of services.
7. The allocation of infrastructure capacity for ~~infill~~-intensification and economic development purposes is encouraged.
8. The Town will encourage development which conserves and efficiently uses water.
- 4-9. Priority for development shall be given to those residential areas which already have draft plan approval, and/or are an extension of existing development and do not require undue extension of municipal services, such as infilling, intensification, and redevelopments to encourage density and reduce sprawl and overextension of municipal services.
- 5-10. Stormwater management will be required, as outlined in ~~MOE's~~ the Province's Stormwater Management Planning and Design Manual 2003, for all new development in accordance with guidelines which may be developed by the ~~Ministry of Natural Resources~~Province, the Cataraqui Region Conservation Authority or the Town of Gananoque. Stormwater management may not be required for small scale developments such as lots created through the consent process or minor developments subject to ~~site plan control~~development permitting where there is no impact on the watershed.
- 6-11. The establishment of new water and waste water servicing facilities shall be subject to ~~Ministry of the Environment~~provincial guidelines and ~~provincial~~regulations.
12. Development practices which mitigate the impacts of climate change and extreme weather events, including but not limited to green infrastructure and low impact development will be encouraged.
13. The Town will undertake and may implement studies and plans, such as stormwater management planning, to assess and mitigate risk and vulnerability to infrastructure as a result of climate change.

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~~Consideration may be given to permitting development on private servicing, communal services or partial municipal services but only in isolated cases where full municipal services cannot be extended due to technical constraints. Any such development will require a servicing options study which includes a supporting rationale for the alternative proposed. The applicant must show that there is sufficient quantity and quality of potable water and must also demonstrate that a permit can be obtained for the proposed sewage system from the Health Unit or the Ministry of Environment as applicable. In addition the applicant must demonstrate that the proposed development will not result in increased costs to the municipality for the provision of other required services such as road maintenance, school transportation, waste collection etc.~~

~~7. Source protection plans for the Cataraqui Source Protection Area will be prepared by 2012. The plans will be prepared in accordance with the requirements of the Ontario Clean Water Act, 2006 and will be approved by the Ontario Ministry of the Environment. Amendments to this Official Plan may be appropriate following the publication of the source protection plans.~~

4.1.4.2 Innovative Technologies

Council will encourage, support and promote waste water disposal systems which incorporate proven and innovative technologies to reduce waste water volumes or which improve the quality of waste water effluents. This will include, but not be limited to:

1. water conservation devices which reduce water usage;
2. innovative solutions to municipal or industrial waste water treatment such as the design and construction of artificial wetlands and grey water treatment and re-use .

4.1.5 Watershed Planning

It is the intent of the Town to preserve and improve the quality of the watershed and minimize potential negative impacts of development and climate change. The Town encourages the preparation of watershed and sub watershed studies where major development or redevelopment is proposed which could have a significant downstream impact upon a watershed. These studies are most needed in areas with both development pressures and highly sensitive natural environments to provide some understanding of the relationship between water resources and land use activities. The development of sound watershed and sub watershed plans will require cooperation between all affected municipalities, government agencies and interested groups to ensure that potential cross-boundary environmental impacts are addressed. The results of watershed studies should be incorporated into the Town's Official Plan whenever practical.

4.1.6 Surface Water Management Plans

In order to control flooding, ponding, erosion and sedimentation and to protect, as much as possible, water quality and aquatic habitat or other natural habitat which depend upon

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watercourses and other water bodies for their existence, surface water management plans (or stormwater management plans) shall be required for some forms of new development. Stormwater management plans shall be required for any new development consisting of more than four lots or for commercial or industrial developments with large amounts of impervious area. Consultation with the Cataraqui Region Conservation Authority regarding stormwater management shall be required for all commercial and industrial development. ~~(MOD-8)~~ Stormwater management will be undertaken in accordance with the [Ministry of the Environment Provincial](#) Guideline entitled "Stormwater Management Planning and Design Manual, 2003". [The Town will encourage best practice for environmental efficiency and climate impact mitigation, including but not limited to green infrastructure and low-impact development.](#) Stormwater management may not be required for small scale developments such as lots created through the consent process or developments subject to [site plan control development permit](#) where there is no impact on the watershed.

4.1.7 Waste Management

Solid waste disposal sites are identified on schedule E.

1. Development shall be reviewed to ensure that appropriate solid waste disposal services can be provided in a manner which is consistent with environmental considerations.
2. ~~Solid waste disposal sites are identified on schedule E.~~ [The Town shall ensure that waste management systems are appropriate to accommodate current and future needs. The Town shall encourage and promote waste reduction, reuse, and recycling to mitigate impacts of waste on the environment and climate change.](#)
- 2.3. _____ The establishment of new sites or the enlargement of existing sites shall be in accordance with [Ministry of the Environment Provincial](#) guidelines and regulations and shall require an amendment to the Official Plan.
- 3.4. _____ Solid waste disposal sites shall be appropriately zoned.
- 4.5. _____ Development within 500 metres of existing waste water or solid waste management sites shall generally be discouraged unless supported by an appropriate study or studies which confirm that there will be no negative impacts on the proposed development related to the adjacent waste water or waste disposal site. In addition the study(ies) shall confirm that the proposed development will not impact future expansions of the waste disposal site in question.
- 5.6. _____ Separation distances shall normally be measured from the periphery of the odour producing source or structure to the property line of the sensitive land use for a waste water treatment facility or from the boundary of the fill area (footprint) specified in the Certificate of Approval (or property line for closed sites where no Certificate of Approval

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is available) to the property line of the sensitive land use for a solid waste management site.

~~6.7.~~ In reviewing development proposals adjacent to such disposal sites the approval authority shall consult Guideline D-2 and Guideline D-4 issued by the [Ministry of the Environment Province](#).

~~7.8.~~ The ~~zoning by-law~~ [Development Permit By-Law](#) shall zone adjacent lands appropriately, prohibiting new incompatible uses which cannot be reasonably mitigated.

4.1.8 Energy

It is a policy of this Plan to encourage ~~the energy conservation and the~~ use of alternate energy sources, such as wind, solar and energy from waste heat or gases.

4.1.9 ~~(MOD 9)~~ Utility And Communication Facilities Corridors

Utility and communications facilities and corridors include a wide variety of utilities owned and operated by both public and private entities. The well-being of Gananoque's economy is closely linked to the presence of hydroelectric corridors, telecommunications networks and energy pipelines. The Town will ensure that it will maintain, improve and expand infrastructure to serve the Town's residents and businesses.

It is the intent of the Town to encourage the use of renewable energy projects such as wind and solar energy.

The following policies shall apply:

1. The development of hydro-electric, [wind, or solar](#) power generation and supply facilities, telecommunications facilities and local utilities shall not require an amendment to this Official Plan provided that they are in full compliance with applicable Provincial and/or Federal legislation.
2. The development of hydro-electric, [wind, or solar](#) power generation and supply facilities, telecommunications facilities and local utilities shall be subject to the provisions of local ~~zoning by-law~~ [Development Permit By-Laws](#).
3. The development of hydro-electric, [wind, or solar](#) power generation and supply facilities, telecommunications facilities and local utilities is not permitted in the Habitat of Endangered and Threatened Species.
4. Utility installations that may pose a hazard shall be located away from residential areas.
- ~~5. The multiple use of corridors for utility and transportation uses shall be encouraged. The Town shall work to ensure that communication and transmission~~

corridors are constructed, maintained and operated to minimize their impact on the community.

6. The Town shall promote and encourage the shared and multiple use of telecommunications towers and corridors for utility uses. Additionally, the Town shall support the use of corridors for transportation and trail uses.

4.1.10 Other Infrastructure Corridors

Council recognizes the importance of other infrastructure corridors, such as hydroelectric transmission corridors, oil pipelines, natural gas pipelines, abandoned rail lines and fibre-optic corridors. The expansion, maintenance and preservation of these and other infrastructure corridors are important to continued economic development and diversification, and will not require an amendment to this Plan.

SCHEDULE H - ROADS

SCHEDULE I - LAND USE

5.0 IMPLEMENTING THE PLAN - THE PLANNING TOOLKIT

5.1 INTRODUCTION

The following policies are provided to guide the implementation of the Official plan. The policies are divided into six categories as follows:

- General
- Permitted Uses
- Development Control
- Economic Development
- Social and Cultural Policies
- Administration of the Official Plan

5.2 GENERAL

~~The policies of this Plan shall be implemented by the Town of Gananoque through the powers conferred upon them by the *Planning Act*, R.S.O. 1990, the *Municipal Act*, 2001, the *Development Charges Act*, 1997, the *Building Code Act*, R.S.O. 1992, as amended, and any other applicable statutes of the Province of Ontario;~~

~~The decisions of Town Council must be consistent with and in conformity to the relevant policies of this Official Plan and applicable provincial policy statements and provincial plans;~~

~~Pursuant to Section 24(1) of the *Planning Act*, R.S.O. 1990, no public work shall be undertaken and no by-law shall be passed by the Town or a local municipality for any purpose that does not conform to the intent and policies of this Official Plan;~~

~~Town Council may acquire, hold, or dispose of land for the purposes of implementing any policies of this Official Plan subject to the provisions of the *Planning Act*, R.S.O. 1990, the *Municipal Act*, 2001, and any other applicable statutes of the Province of Ontario; and~~

~~All forms of development agreements regarding subdivisions, consents, condominiums, variances and site plans are required to conform to the policies of this Official Plan.~~

5.3.15.2 PERMITTED USES

The following general policies are related to various types of land uses permitted throughout the planning area regardless of the land use designation.

5.3.15.2.1 Accessory Uses

Wherever a use is permitted in the land use designation, it is intended that uses, buildings or structures incidental, accessory or essential to the use shall also be permitted.

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~~Accessory Dwelling Units: It is a policy of this Plan to provide opportunities for accessory dwelling units such as apartments in detached, semi-detached dwelling units and row houses on the same lot as the principal single detached dwelling. In substantiating the appropriateness of a proposed accessory dwelling the proponent shall:~~

- ~~1. demonstrate compliance to the Ontario Building Code;~~
- ~~2. demonstrate compliance with applicable zoning standards for lot size, setbacks and parking.~~

5.3 GENERAL

The policies of this Plan shall be implemented by the Town of Gananoque through the powers conferred upon them by the *Planning Act*, the *Municipal Act*, 2001, the *Development Charges Act*, 1997, the *Building Code Act*, 1992, as amended, and any other applicable statutes of the Province of Ontario;

The decisions of Town Council must be consistent with and in conformity to the relevant policies of this Official Plan and applicable provincial policy statements and provincial plans;

Pursuant to Section 24(1) of the *Planning Act*, no public work shall be undertaken and no by-law shall be passed by the Town or a local municipality for any purpose that does not conform to the intent and policies of this Official Plan;

Town Council may acquire, hold, or dispose of land for the purposes of implementing any policies of this Official Plan subject to the provisions of the *Planning Act*, the *Municipal Act*, 2001, and any other applicable statutes of the Province of Ontario;

All forms of development agreements regarding subdivisions, consents, condominiums, variances and site plans are required to conform to the policies of this Official Plan; and

The policies of this plan are meant to be interpreted consistent with the Ontario Human Rights Code, 1962.

5.3.25.3.1 Existing Land Uses and Non-Conforming Uses Existing Non-complying Structures and Non-conforming Uses

All uses which were legally in existence at the effective date of this Plan shall be allowed to continue as such.

Existing uses which do not conform to the relevant provisions contained in this Plan shall be deemed non-conforming uses. The long-term objective of this Plan is to relocate, eliminate, or replace these non-conforming uses with uses which are permitted in the relevant land use designation.

A Council may recognize a non-conforming use and ~~zone designate~~ it in accordance with the existing use provided that:

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1. the [zoning-by-law/Development Permit By-Law](#) does not permit any change of use or performance standard that might aggravate, increase or enlarge ~~the non-conforming~~ status;
2. the use does not constitute a danger to surrounding uses or persons by virtue of its hazardous nature or the traffic flow generated;
3. the use does not pollute the air, water or soil to the detriment of the health or comfort of the surrounding land uses;
4. the use does not interfere with the orderly development of adjacent lands.

Where a non-conforming use is discontinued, the lot may be ~~rezoned~~ [redesignated](#) in accordance with the policies and intent of this Plan, or to permit a similar use provided that the Council is satisfied that the use is similar to the discontinued use and provided that the provisions of section items 1 to 4 above are met.

Existing non-conforming buildings or structures which are destroyed or damaged may be reconstructed to their former dimensions [with a survey](#) provided work is commenced within 12 months of the date of destruction.

Non-conforming uses located in a flood plain area which are damaged or destroyed by flooding may only be reconstructed in accordance with the requirements of the Cataraqui Region Conservation Authority or the [Ministry of Natural Resources/Province](#).

~~5.3.2.45.3.1.1~~ Extension or Enlargement under ~~Section 34(10)~~ [Section 70.2](#) of the [Planning Act/Planning Act, R.S.O.1990](#)

Where a property is not ~~zoned~~ [designated](#) in accordance with the existing use, the extension or enlargement of such use may be considered by Councils through the passing of a [Zoning By-law/Development Permit By-Law](#) pursuant to ~~Section 34(10)~~ [Section 70.2](#) of the [Planning Act/Planning Act](#), ~~or by the Committee of Adjustment under Section 45 of the Planning Act/Planning Act~~, subject to the following guidelines:

1. The extension or enlargement should not aggravate the non-conforming situation for neighbouring uses.
2. The extension or enlargement should be in a reasonable proportion to the existing use and to the land on which it is to be located.
3. Any extension or enlargement involving land should be minor in relation to the total property. Any major change or adjustment shall require an amendment to this Plan.
4. The proposed extension or enlargement shall not create undue noise, vibration, fumes, smoke, dust, odours, traffic generation nor glare from lights.
5. Adequate buffering, setbacks and other measures necessary to reduce or mitigate any impact shall be required and where possible shall be extended to the existing use.
6. Traffic and parking conditions in the vicinity will not be adversely affected by the application and traffic hazards will be kept to a minimum by appropriate design of

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ingress and egress points to and from the site and by improvement of site conditions especially in proximity to intersections.

7. Adequate provisions have been or will be made for off-street parking and loading facilities.
8. Municipal services such as storm drainage, roads, sewer and water are adequate or can be made adequate.
9. Neighbouring land owners will be notified of the proposed extension or enlargement of the non-conforming use before the final decision on the application is made.

The development of existing undersized lots may be permitted in accordance with the relevant provisions of the [zoning-by-lawDevelopment Permit By-Law](#) provided that where the development is on private services the size, configuration and, where applicable, the soil structure of the lot is appropriate for the long term provision of services.

A lot addition or enlargement to an existing undersized lot may be permitted even though the addition does not bring the lot up to the standard required in the [zoning-by-lawDevelopment Permit By-Law](#). In such cases the lot does not lose its non-conforming status and may be developed in accordance with the relevant provisions of the [zoning-by-lawDevelopment Permit By-Law](#).

5.3.3— Minor Variance or Permission

~~Section 45 of the *Planning Act* *Planning Act* authorizes a Committee of Adjustment to grant variances and permission for enlargements or extensions or changes in the use of lands, buildings or structures to a similar or more compatible use. A Committee may approve applications provided that (1) general intent and purpose of the Official Plan are maintained, (2) the general intent and purpose of the *Zoning By-lawDevelopment Permit By-Law* are maintained, (3) the variance is minor and (4) the proposed use of land, building or structure is desirable for appropriate development.~~

5.3.2 ~~5.3.3~~ Lots of Record

Except for lots which are subject to development constraints such as flooding or unstable slopes, and subject to section 3.2.2-2, lots of record which are vacant may generally be used for building purposes in accordance with the policies of this Plan and the regulations of local [zoning by-lawDevelopment Permit By-Law](#)s provided they front on a year round publicly maintained road and can be adequately serviced. Lots of record which are subject to development constraints may be developed provided the constraint may be mitigated in accordance with other relevant policies in this Plan.

5.3.3 ~~5.3.4~~ Public Uses

Public utility facilities subject to the requirements of the *Environmental Assessment Act*, [1990](#) may be permitted in all land use designations of this Plan and are not subject to the restrictions listed in items 1 to 4 below.

Other public utility and municipal services and facilities are permitted in all land use designations as shown on the accompanying land use schedules, provided that:

1. such use is necessary in the area, that it can be made compatible with its surroundings and that adequate measures are taken to ensure land use compatibility;
2. adequate off-street parking and loading facilities are provided;
3. the construction of permanent buildings is discouraged in all areas which have been identified as environmentally sensitive;
4. the general intent of the policies of this Plan is satisfied.

Notwithstanding the power of the Federal and Provincial Governments to undertake public works by authority granted under statutes other than the ~~*Planning Act*~~ *Planning Act*, Council shall endeavour to ensure that such development follows the general intent of this Plan and is compatible, as far as practicable, with the type, quality and character of development in the area in which it is proposed. Council encourages the Federal and Provincial Governments to consult with them whenever a use of land or public work is proposed which is not permitted by this Plan, in order that the proposal may be evaluated with regards to its effect on the achievement of the goals and objectives of this Plan and on the provision of Town' services and facilities.

Public uses are not permitted in areas of Endangered or Threatened Species habitat. Where public uses are to be located on lands adjacent to natural heritage or resource designations, such public uses shall not result in a negative impact on the natural features or ecological functions for which the area is identified.

5.4 DEVELOPMENT CONTROL

5.4.1 Plans of Subdivision and Condominium

~~A plan of subdivision~~ An application for Plan of Subdivision or Condominium will be reviewed on the basis of technical, environmental and planning and design considerations with the relevant provisions of the *Planning Act*, Provincial Policy Statement and this Official Plan.

The following is a list of some of the types of studies which may be required. Though this list summarizes the types of studies commonly required for plans of subdivision it is not necessarily exhaustive, and other studies may be required in certain situations.

Technical considerations relate to the following requirements:

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1. The application must be complete in accordance with the requirements of Section 51 (17) and applicable regulations under the *Planning Act*, R.S.O.1990;
2. The application must conform to the policies of this Official Plan;

Environmental documentation which should accompany the submission of application for draft plan approval, relate to the following requirements:

1. Evidence respecting the availability and suitability-feasibility of water and waste water services including where appropriate the preparation of a hydrogeological study, terrain analysis and an impact assessment report in accordance with the Ministry of EnvironmentProvincial guidelines and regulations;
2. Preparation of a servicing options statement;
3. Preparation of a stormwater drainage plan;
4. Preparation of a grading plan
5. Preparation of a sediment and erosion control plan
6. Completion of studies required under the environmental and development constraints policies in sections 3.5 and 3.6 of this Plan.

Planning and Design Considerations include the following:

1. Consistency with the Lowertown Master Plan, where applicable
- ~~2.~~ Suitability of lands including location for growth and development
- ~~2.3.~~ Lot and block configuration
- ~~3.4.~~ Compatibility with adjacent uses
- ~~4.5.~~ Road access, street layout, and pedestrian and active transportation amenities
- ~~5.6.~~ Parks and open space amenities
- ~~6.7.~~ Easement and right-of-way requirements
- ~~7.8.~~ Justification of the need for the Subdivision
- ~~8.9.~~ In considering a draft plan of subdivision, regard shall be had to, among other matters, the criteria of Section 51 (24) of the Planning ActPlanning Act, R.S.O. 1990
- ~~9.10.~~ Emergency and secondary accesses

The Approval authority will, in giving draft approval to plans of subdivision or condominium which have access to full or partial municipal water and/or sewage services, provide that approval will lapse not more than 3 to 5 years from the date draft approval is given, in accordance with section 51 (32) of the Planning ActPlanning Act, R.S.O. 1990, as amended.

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The Approval authority may, in giving approval to plans of subdivision or condominium which will employ private services, provide that approval will lapse at the expiration of a period of time to be specified by the approval authority in accordance with section 51 (32) of the [Planning Act/Planning Act, R.S.O. 1990](#), as amended.

5.4.2 Consents

It is the policy of this Plan that a consent should be considered where the lot creation does not result in ~~in~~ excess of three lots, including the retained lot, from the original lot. Three or more lots shall take place by a Plan of Subdivision. For the purposes of this policy the original lot is defined as the lot as it existed as of the date of approval of this Official Plan.

Exceptions to the policy limiting the number of lots which can be created by consent may also be granted by the approval authority to permit infill lots in existing areas of strip development provided that it will not create negative effects on traffic flow and safety.

Consents may also be granted to permit a lot enlargement, clarification of title or for any legal or technical reason which does not result in the creation of a new lot. **Vertical consents (commonly known as Strata Plans) are not permitted.**

The following criteria shall apply when considering consent applications.

1. The size, configuration and, where applicable, the soil structure of a proposed lot shall be appropriate for the long term provision of services and the applicant shall provide sufficient information to the consent authority to this effect.

The approval authority may require that this information shall be in the form of a hydro-geological study, prepared by a qualified professional, and must demonstrate that the aquifer can provide a long term sustainable water supply of acceptable quality and quantity, as well as providing evidence through testing, that the soil conditions can accommodate the effluent load from a septic field along with its replacement area. Such a study shall recommend a minimum lot size, which shall be used in evaluating the proposed consent. Regardless of the recommendation contained in such a study, municipalities may impose a minimum lot size in the implementing [zoning by-law/Development Permit By-Law](#).

2. Municipal Services: The lot shall be required to connect to municipal water and wastewater services. Where municipal services are not available, planned, or feasible, private communal services may be considered under Section 4.1.4.3.

Where municipal services were not available, planned, or feasible at the time of consent the approval authority shall require a condition of approval include the property shall connect to municipal services when it becomes available or if there is an intensification of an existing use.

In such cases of private communal services, the owner shall be responsible for its installation, monitoring and maintenance.

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~~4.3.~~ Water and Wastewater Capacity: The consent granting authority will ensure that there is sufficient capacity in existing water and waste water services including capacity to treat hauled sewage from private communal or individual septic systems prior to granting a consent to create a new lot.

4. Access:

a. All lots created, retained and severed, shall have frontage on a public road which is maintained on a year-round basis with at least one side of the lot which physically abuts the public road. The creation of new lots which do not have sufficient frontage on a municipally owned and maintained road is not permitted.

b. The proposed lot shall be compatible with adjacent land uses and shall not result in a traffic hazard as a result of limited sight lines on curves or grades.

a-c. Any road widenings may be required as a condition of consent approval.

~~The proposed lot shall be compatible with adjacent land uses and shall not result in a traffic hazard as a result of limited sight lines on curves or grades.~~

All consents shall comply with the Minimum Distance Separation formulae developed by the Ontario Ministry of Agriculture, Food and Rural Affairs Province, where applicable.

~~2.~~ A consent which has the effect of land locking another parcel is not permitted.

~~3.5.~~ Access to interior land will be protected by ensuring that 20 metre wide openings for future road allowances are provided at strategic locations.

~~4.~~ Consents will not be granted unless it can be demonstrated that each lot to be created contains sufficient area for development that is not affected by the development constraints described in 3.6 and 3.7 of this Plan. All new lots proposed must comply with the provisions of the Official Plan and Zoning By-law Development Permit By-Laws.

~~5.6.~~ The lot(s) being severed and the lot being retained shall conform to the provisions of this Plan and the implementing Zoning By-law Development Permit By-Law.

~~6.7.~~ A maximum of one new lot may be created per consent application.

~~7.8.~~ In considering a consent, regard shall be had to, among other matters, the criteria of Section 51 (24) of the Planning Act Planning Act, R.S.O. 1990 with necessary modifications.

~~8.9.~~ The Town may require the following conditions of approval for the severed and/or retained lot where appropriate:

- a. Preparation of deeds
- b. Preparation of survey by Ontario Land Surveyor
- c. Connection to the Town water and wastewater services
- d. Dedication of parkland or payment of cash-in-lieu of parkland

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- e. Dedicated road widening
- f. Approval of Development Permit
- g. Payment of taxes,
- h. Payment of Development Charges
- i. Other technical items as deemed reasonable to the consent approval
- j. All costs to fulfilling the conditions are borne by the applicant.

**5.4.3 Development Permit By-law (~~Site Plan Control, Zoning and/or Minor Variance~~)
under Section 70.2**

5.4.2-15.4.3.1 General Intent

It is the intent of this plan that an appropriate policy framework be provided which will allow and encourage Council to use a Development Permit By-law site plan control to enhance the quality of new development or redevelopment in conjunction with other applicable controls such as ~~zoning, development permits and~~ the Ontario Building Code. This shall be achieved with the Development Permit System, under Section 70.2 of the Planning Act.

The objective is to provide for the use of a Development Permit to ensure functional and aesthetically pleasing, safe development and redevelopment throughout the Town. A Development Permit will address all site plan controls, zoning and minor variances otherwise required under the Planning Act.

~~The objective is to provide for the use of site plan controls~~ A Development Permit to ensure functional and aesthetically pleasing, safe development and redevelopment throughout the Town.

~~The use of site plan control is achieved with the Development Permit System. A Development Permit will address all site plan controls, zoning and minor variances normally required under the Planning Act.~~

In order to achieve ~~the this~~ goal, Council adopted a Development Permit By-law s may adopt a Site Plan Control By-law which provides for the following:

1. The submission of site plans for review including elevations, cross-sections for each new or addition to a building or structure;

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2. The application of appropriate engineering and site development standards as prescribed in the requirements for a complete application;
3. ~~Promoting~~ Reducing or eliminating land use incompatibility between new and existing development;
- ~~3.4.~~ Including provisions for pathway connectivity on-site and off-site, streetscape and other exterior design elements including, but not limited to trees, soft and hard landscape, curbing, waste and recycling enclosures, parking areas for both vehicles and cyclists;
- 4.5. Ensuring that approved developments are built and maintained as set out in the site plan agreement;
- 5.6. Ensuring that the development occurs in accordance with any required studies such as environmental impact assessment, traffic and stormwater management study recommendations where required.

5.4.2.25.4.3.2 Site Plan Control Area Development Permit By-law Area

The entire geographical area of the Gananoque shall be considered a ~~Site Plan Control~~ Development Permit System Area pursuant to the provisions of Section ~~41(2)70.2~~ of the ~~Planning Act~~ Planning Act, R.S.O. 1990. ~~Should Council implement a Development Permit System, the area subject to Site Plan Control would be amended to reflect the regulatory requirements of the Development Permit By-law. Council recognizes that the adoption of a Development Permit By-law requires extensive public and agency consultation and as such there is no requirement to amend the Site Plan Control policies of this Plan where development control is transferred from Site Plan Control to the Development Permit system.~~

5.4.3.3 Pre-consultation of Development Permit By-law

A Pre-consultation with the Town is required prior to the submission of an application for a Development Permit under Section 70.2 to:

1. Identify and understand the proposed development
2. Identify the required studies and/or reports in support of the application

5.4.2.35.4.3.4 Application of Site Plan Control for a Development Permit

~~Site Plan Control~~ A Development Permit shall apply to the following land uses:

1. All uses permitted within any employment lands or commercial, ~~industrial or institutional zone designation~~;
2. A residential structure consisting of three (3) or more dwelling units;
- ~~2.3.~~ Any use identified as a Discretionary Use or otherwise identified in the Development Permit By-law.
- ~~3.4.~~ All development located within 100 metres of the high water mark of the St Lawrence or Gananoque Rivers;

4.5. Heritage properties designated under the *Ontario Heritage Act*, 1990 (the *Heritage Act*).

5.4.2.45.4.3.5 Exemption

The following uses are exempt from ~~a Development Permit application site plan control~~:

1. One and two-unit dwellings and buildings, structures accessory thereto and additions or alterations thereto which are within ~~zones designations~~ which permit residential uses unless such dwellings are located in areas described in **5.4.2.3.3**.

In imposing ~~site plan control~~ a ~~Development Permit~~ **Planning System**, Councils will seek to regulate the general site design of the property and, when appropriate, the conceptual design of all buildings and structures on the property. The ~~Site Plan Control By-law~~ **Pre-consultation for a Development Permit** shall stipulate when and what type of drawings are required. Floor plan, elevation and cross-section drawings of each proposed building may be required.

In accordance with ~~the provisions of Section 41(7) of the Planning Act~~, a **local municipality Development Permit** may require the owner of land to provide to the satisfaction of and at no expense to the municipality any or all of the following:

1. Widening of highways that abut the land;
2. Access to and from the land;
3. Off-street vehicular loading and parking facilities;
4. Pedestrian and/or bicycle pathways or **active transportation** access;
5. Lighting facilities;
6. Landscaping and other facilities for the protection of adjoining lands;
7. Facilities and enclosures for the storage of garbage and other waste material;
8. Required municipal easements;
9. Grading of lands and disposal of storm water
10. Emergency and secondary accesses

Site plan control may be used to require the dedication of land for road widenings as indicated on Schedule F. Land for road widenings will be taken equally from either side and will not exceed a width of 5 metres from either adjacent property. Additional lands for widening to provide corner triangles at all road intersections may also be required.

In the review of site plan applications the municipality may circulate to public bodies and/or qualified professional for their comments prior to the approval of any site plan or site plan agreement.

Councils shall have regard for the enabling authority of Section 41 of the **Planning Act** with respect to the matters which may be addressed under site plan control, the entering

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into one or more agreements for the provision of any or all of the facilities, works or matters as provided for by the *Act* and the maintenance thereof and for the registration of such agreements against title to the land. Council will also have regard to the requirements of the Public Works Department and the [Ministry of Transportation Province](#) with respect to road widenings, safe access and the provision of storm drainage facilities.

5.4.35.4.4 Development Criteria

Councils shall consider the following development criteria when reviewing the compatibility and appropriateness of any new development or redevelopment, when considering amendments to the [Zoning By-law Development Permit By-Law](#) and in considering, where applicable, the requirements for site plan control under Section 41 of the [Planning Act](#) *Planning Act*:

1. The provision of safe access onto or from a local or Town road or provincial highway.
2. Adequate access to, and provision of, off-street parking.
3. Barrier-free access to public and commercial buildings and the designation of parking spaces for physically challenged persons.
4. Access and maneuvering of emergency vehicles in providing protection to public and private properties.
5. The availability of municipal services and the cost of upgrading such services including water, sewage treatment facilities, fire and police protection, street lighting, roads and winter maintenance, waste disposal, community facilities and recreation.
6. Adequate grade drainage or storm water management and erosion control.
7. The screening, buffering or fencing of aesthetically displeasing or dangerous land uses or open storage. A buffer may be open space, a berm, a wall, a fence, plantings, a land use different from the conflicting uses but compatible with both, or any combination of the aforementioned sufficient to accomplish the intended purpose.
8. The provision of landscaping, the creation of privacy and/or open space areas around buildings and other uses, and the establishment of setbacks to maintain proper distance separation between new development and natural heritage sites, natural hazards and resource areas and development constraints such as noise and vibration.
9. Adequate exterior lighting for access and parking areas for public or private use such as in commercial, industrial, institutional and multiple residential development.
10. The control of signs and advertising such that they are in scale with the intended use and with surrounding uses.

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11. Protection of the environment by avoiding air, soil or water pollution.
12. The preservation and protection, whenever possible, of street trees, street tree canopies and the urban forest.
13. The adequacy of school board facilities to accommodate new development or redevelopment and the provision or availability of school bussing.
14. Protection or enhancement of natural resource values.
15. Conserving cultural heritage resources.
16. The physical suitability of the land for the proposed use.
17. Safety and Security Criteria

When reviewing development applications, ensure that safety and security measures are considered through such means as:

1. sufficient lighting in spaces intended for public use after dark to support the kind of activities envisioned for that space;
2. signs and an overall pattern of development that supports users' sense of orientation and direction;
3. preservation of clear lines of sight for persons passing through the space;
4. attention to the proposed mix of uses and their proximity to each other to ensure they are complementary;
5. the routing and design of bicycle and pedestrian routes so that they are accessible to populated areas.

5.4.5 Parkland Dedication

The Town will use a variety of tools to acquire land for open space and recreational use, including the acquisition through parkland dedication under Section 42 of the *Planning Act*

The **CityTown** shall develop a Parkland Dedication By-law for the purposes of collecting parkland or cash in lieu of parkland for redevelopment projects as specified in the By-law. As a condition of development, redevelopment, condominium or subdivision approval or consent may require the conveyance of parkland, or cash in lieu thereof, at the rate of:

- a. for institutional and residential purposes, 5% of the land being developed or redeveloped, or 1 hectare per 3600 dwelling units, whichever is greater; and,
- b. for commercial and industrial purposes, 2% of the land being developed or redeveloped

Where parkland is dedicated, the lands shall be deemed acceptable to the Town. The Town will prioritize lands which allow for improved public waterfront access and will discourage lands rural which are undevelopable.

5.4.45.4.6 Cash-in-lieu

Cash-in-lieu of parkland may be used to acquire or develop public parks or public recreational uses. Cash-in-lieu may be required ~~for residential severances or residential subdivisions at the rate of up to 5% or~~ for commercial or industrial ~~severances development or redevelopment~~ at the rate of up to 2% of the value of land, ~~and for all other development or redevelopment at the rate of up to 5%,~~ as set out in Section 42 ~~or and~~ 51 of the ~~Planning Act.~~Planning Act.

Cash-in-lieu of Parking: Council may enter into an agreement to exempt an owner or occupant from the need to provide and maintain parking facilities as required under the ~~zoning by-law~~Development Permit By-Law. Such agreement shall provide for the making of one or more payments of money to the municipality as consideration for the granting of the exemption and shall set forth the basis upon which such payment is calculated.

5.4.7 Community Benefits Charges and Development Charges

The Town may enact a Community Benefits Charge By-law that imposes Community Benefits Charges, or a Development Charge By-law that imposes Development Charges, on developments and redevelopments to pay for the capital costs of facilities, services and matters required as a result of development or redevelopment.

5.4.55.4.8 Holding Provisions

The use of Holding provisions in accordance with Section 36 of the ~~Planning Act~~Planning Act R.S.O. 1990 is permitted. A municipality may adopt holding provisions and when doing so shall clearly state the conditions which must be met prior to the removal of the "H" designation by Council. The use of Holding provisions shall conform to the policies of this Official Plan.

The following have been established as objectives for using holding provisions in a ~~Zoning By-law~~Development Permit By-Law:

1. To assist in the phasing of development and/or redevelopment;
2. To co-ordinate development and/or redevelopment with the provision of water, sanitary sewage, storm sewer and other services;
3. To control development and/or redevelopment which may necessitate special design considerations;
4. To forestall development and/or redevelopment until such time that stated planning related criteria can be satisfied.

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5. To aid in the selection of sites or areas that may be subject to holding provisions, the following locational criteria are identified:
- i) lands in a built-up area which are undeveloped;
 - ii) lands which are unserved;
 - iii) lands which do not have adequate access or frontage onto a public roadway;
 - iv) lands which are adjacent to hazardous, noxious, temporary or otherwise undesirable uses or activities; and
 - v) lands which are near or fronting onto public roads which are subject to hazardous conditions or are inadequate to handle current traffic volumes.

Removal of the holding provisions shall be accomplished by the adoption of an amending By-law in accordance with the provisions of Section 36 of the *Planning Act*, and related regulations.

Removal of the holding provisions shall occur only after Council is satisfied that all prescribed conditions or criteria have been satisfied.

It is intended that holding provisions shall be implemented by means of the implementing [Zoning By-law Development Permit By-Law](#). Land or lands shall be zoned for its/their intended use and the holding symbol (H) shall be added as a suffix, separated from the principal zone by a hyphen. The [Zoning By-law Development Permit By-Law](#) shall specify the uses of land permitted and any regulations applying to the land during the time for which the holding provisions are in place. Conditions or criteria that are to be satisfied before the holding provisions can be removed shall be clearly stated in the [Zoning By-law Development Permit By-Law](#).

5.4.65.4.9 Temporary Use By-laws

A Temporary Use By-law is a By-law passed by Council for the purpose of allowing a use that is otherwise prohibited by the Zoning By law. A Temporary Use By-law must define the land or lands to which it applies and it shall prescribe the period of time during which it is in effect, which period of time shall not exceed three years from the day of passing of the By law except in the case of a "Garden Suite" where a Temporary Use By law cannot exceed a period of ten years. A local municipal Council may extend the period of time during which a temporary use is permitted by passing further By-laws, each of which shall not be in effect for more than three years.

The following criteria shall apply where a Temporary Use By-law, pursuant to the authority of Section 39 of the *Planning Act*, is used in the implementation of the Official Plan:

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1. Temporary Use By-laws may be passed to permit uses which do not conform with the Official Plan provided that the temporary use will not affect the ability of the land in question to be used for the purposes intended in the Official Plan;
2. The proposed use shall be compatible or can be made compatible with the surrounding land uses;
3. Required services shall be adequate for the proposed use;
4. Access and parking shall be appropriate for the proposed use;
5. The proposed use is of a temporary nature and will not require any major construction or extensive capital investment on the part of the owner or that the owner will not experience undue hardship in reverting the original use upon termination of the temporary provisions.

5.4.75.4.10 Interim Control By-laws

Interim Control By laws may be passed by Council in accordance with the provisions of Section 38 of the *Planning Act* for the purpose of controlling the use of land, buildings and structures within specifically identified areas for a specific period of time (i.e. not exceeding one year in length with provision for extending the time period for a total time period of not more than two years).

Prior to passing an Interim Control By law, it is first necessary for a local municipal Council to pass a resolution directing that a review or study be undertaken in respect to land use planning policies in the municipality or in any area or areas thereof. It is intended that any Interim Control By law be passed in order to adequately control development in a designated area while the review or study is being completed. Where an Interim Control By law ceases to be in effect, a local municipal Council may not for a period of three years pass a further Interim Control By law that applies to any lands to which the original Interim Control By law applied.

5.4.85.4.11 Complete Applications

A complete application includes compliance with the submission requirements of the *Planning Act* and the requirements as set out by the Town to process and evaluate an application including application form, appropriate plans and scaled drawings and any type of studies or reports as outlined in consultation with the Town.

The following chart identifies the type of study or report which could be required in order for the Town to proceed with the processing of an application. As every development proposal is considered on its own merit, a pre-submission consultation with municipal planning staff will be required in order to confirm the need for additional information, studies or reports.

The following chart provides a summary of required studies or reports and is divided by type of planning application and further qualifies the study as Required (R) or Possibly Required (P).

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All reports in support of an application are to be undertaken by a registered professional engineer, licenced archaeologist, qualified heritage conservation professional, arborist or registered professional planner or a certified planning technician as related to the requirement. This is a potential list and is not to be considered inclusive as each development is considered on its own merit.

COMPLETE APPLICATION INFORMATION REQUIREMENTS

Information Type	Trigger	Planning Act Applications
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		Official Plan	Zoning By-Development Permit By-law/Development Permit	Plan of Subdivision/ Condominium	Consent
Air, Noise or vibration study	When required by a provincial guideline <u>or where a proposed use may impact surrounding areas</u>	P	R	R	R
Archeological Study	Development proposed on lands located within 300 metres of a shoreline	P	R	R	R
<u>Coloured Elevation Plans</u>	<u>Illustration of each elevation of the proposed building including materials and/or samples</u>	<u>P</u>	R	R	<u>P</u>
<u>Cost Estimate for Site Works</u>	<u>All on-site and off-site works to complete the project for security to be held by the Town</u>	<u>P</u>	R	R	<u>P</u>
Environmental impact Assessment	Where application provides for development in or adjacent to an environmentally sensitive area	P	R	R	R
Erosion Control	Development along shorelines or hazard areas.	P	R	R	R

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Geotechnical Study	Site conditions, design and construction recommendations.	<u>P</u>	P	R	<u>P</u>
Heritage Study	Development in Lowertown, <u>Designated heritage properties</u> or adjacent to heritage properties	P	P	P	P
Hydrogeology/Groundwater Study	Development on private services	P	R	R	R
Planning Rationale	Provide a background of the development, indicating how the proposal conforms to the policy documents and good planning	R	R	R	R
<u>Servicing Options Report</u>	<u>Impact of development on water and wastewater services</u>	P	R	R	P
<u>Source Water Protection</u>	<u>Risk Management Assessment – IPZ-1/IPZ-2</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Stormwater Management Report</u>	<u>Evaluate the quality and quantity impact from stormwater runoff on existing infrastructure</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>P</u>
<u>Sun/Shadow Study</u>	<u>Buildings over six storeys in height</u>	<u>P</u>	R	R	<u>P</u>
Traffic Study	Where application provides for development which may result in increased traffic or the need to alter roads or intersections	P	R	R	R
<u>Vegetation Inventory/Tree Preservation Plan</u>	Where development could result in the loss of street trees or wooded areas.	P	P	P	P

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<u>Visual Impact Assessment</u>	<u>Where new development or redevelopment of lands may impact views on waterfront. VIA should include before and after visualizations</u>	<u>P</u>	<u>R</u>	<u>R</u>	<u>P</u>
<u>Wave Uprush Study</u>	<u>Where new development of lands on waterfront can benefit from design and location to protect the land</u>	<u>P</u>	<u>R</u>	<u>R</u>	<u>P</u>

5.4.95.4.12 Development Permit By-laws

Council may allocate any lands within the Town of Gananoque as an area subject to a Development Permit By-law. The Development Permit approval framework combines existing systems of zoning, site plan control, tree cutting by-laws and site alteration by-laws into one approval or permitting system. Provisions for new development, infill and construction are outlined within the Development Permit By-law and are consistent with Official Plan designations and directions. It differs from traditional land use regulations by allowing discretionary uses, conditional approvals, and variations to standard requirements, control of exterior design elements and removal of vegetation. This provides staff and Council with flexibility within the context of the By-law to review development proposals and provide approvals without further site specific amendments to the By-law. The Development Permit By-Law shall clearly articulate and establish development and design requirements, provisions and standards which must be demonstrated to the satisfaction of the Town prior to the granting of any approval. The Development Permit By-Law will generally provide for a streamlined approach to the review and approval of development applications and allow for flexibility within a clearly articulated context. The Development Permit By-law shall establish specific designations on the basis of consistency and compatibility of land uses, neighborhood characteristics and architectural and functional design and compatibility.

5.4.9.1 Area

~~A Development Permit By law may be developed and adopted for a specific area of the Town or for the entire corporate limits of the Town. Where a Development Permit By Law has been enacted and approved the Zoning By-Law, Development Permit By-Law and Site Plan Control By-Law will not apply.~~

5.4.9.25.4.12.1 Objectives

The objectives of the Town in implementing the development permit system include but are not limited to; the preservation of the existing small-town character, the improvement of Lowertown and the waterfront, preservation and enhancement of the residential neighbourhoods, promotion

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of rehabilitation of industrial properties, the expansion of greenspaces and park facilities and to provide for their interconnectivity, increasing the diversity of arts, cultural and recreational opportunities and the protection of the natural environment.

Except for those types of development for which the Development Permit By-law specifies that no development permit is required, a development permit will be required prior to undertaking any development.

5.4.9.35.4.12.2 Application Requirements

All applications for Development Permit are required to submit a full drawing and plan set which includes elevation and cross section drawings for any proposed building or structure. More specifically all applications for Development Permit must include;

1. The name, address, telephone number and, if applicable, the email address of the owner of the subject land, and of the agent if the applicant is an authorized agent and if known the date the land was acquired.
2. The current designation of the subject land in the official plan and the land uses the designation authorizes.
3. The current designation of the subject land in the Development Permit By-Law and the land uses the designation authorizes.
4. Whether the proposed use is,
 - a) A permitted use; or
 - b) A use that may be permitted subject to criteria as set of in the development permit by-law and how the applicable criteria have been addressed.
5. Whether a variation is requested within the provisions set out in the development permit by-law and how the proposed variation meets the criteria as set out in the development permit by-law.
6. A description of the subject land, including such information as the legal description of the subject land including lot and concession numbers, registered plan and lot numbers, reference plan and part numbers and street names ad numbers.
7. The frontage, depth and area of the subject land, in metric units.
8. How access to the subject land is achieved and the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public traveled road, a private road or a right of way.

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9. The location and nature of any easement or restrictive covenant affecting the subject land.
10. The existing uses of the subject land and the length of time such use has existed if known.
11. Whether there are any buildings or structures on the subject land and if so the following information for each building or structure must be provided;
 - a) The type of building or structure;
 - b) The setbacks from the building or structure from all lot lines, the height of the building or structure and its dimensions or floor area;
 - c) The current use of the building or structure and the date of construction if known.
12. The proposed uses of the subject land.
13. The current land uses adjacent to the subject land.
14. The approximate location of all natural and artificial features (for example, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that are located on the subject land and on land that is adjacent to it.
15. Whether any development is proposed for the subject land and if so the following information must be provided;
 - a) The type of development proposed including whether or not any buildings or structures are proposed and the setbacks from all lot lines, height and dimensions or floor area.
16. Plans that show the location of all buildings and structures to be erected, the location of all facilities and works to be provided in conjunction with the buildings and structures, and the location of all facilities and works.
17. Whether water is provided to the subject land by a publicly owned and operated piped water system, a privately owned and operated individual or communal well, a lake or other water body or other means.
18. Whether sewage disposal is provided to the subject land by a publicly owned and operated sanitary sewage system, a privately owned and operated individual or communal septic system.
19. Whether storm drainage is provided by sewers, ditches, swales or other means.
20. Drawings that show plan, elevation and cross-section views for each building or structure to be erected and are sufficient to display;

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- a) The massing and conceptual design of the proposed building,
 - b) The relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access,
 - c) The provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings;
 - d) Matters relating to exterior design and sustainable design including without limitation the character, scale, appearance and design features of the proposed building.
21. Design elements on any adjoining highway under the Town's jurisdiction, including without limitation trees, shrubs, hedges, plantings or other ground cover, paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities and any facilities designed to have regard for accessibility for persons with disabilities.
22. Plans and drawings shall not include the following;
- a) Interior design;
 - b) The layout of interior areas, other than interior walkways, stairs, elevators and escalators.
 - c) The manner of construction and standards for construction.
23. Additional required information, if known, should include;
- a) Whether the subject land has ever been the subject of an application under the *Planning Act* for approval of a plan of subdivision or a consent and if yes the file number and status of the application;
 - b) Whether the subject land has ever been the subject of an application under section 34, 41 or 45 of the Act and if yes the file number and the status of the application.

5.4.9.45.4.12.3 Pre-Consultation

Applicants are ~~encouraged~~ required to consult with municipal staff prior to submitting a Development Permit application.

A Pre-consultation will provide important information including the identification of required studies and /or reports in support of an application. Failure to consult with municipal staff prior to submitting an application may result in delays related to incomplete applications.

5.4.9.55.4.12.4 Supporting Studies and Reports

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Technical reports/plans or studies may be required to assist in the review process of a Development Permit application. Applications for a Development Permit may be required to submit any of the studies or reports outlined in Section 5.4.11 to be deemed a complete application. ~~the following studies or reports;~~

- ~~a) A servicing options report;~~
- ~~b) A hydrogeological study;~~
- ~~c) A drainage and/or stormwater management report;~~
- ~~d) An Environmental Impact Assessment for a natural heritage feature or area;~~
- ~~e) An Archaeological Assessment;~~
- ~~f) An influence area study for development in proximity to a waste management facility or industrial use;~~
- ~~g) A traffic study;~~
- ~~h) A mine hazard rehabilitation assessment;~~
- ~~i) A Phase I Environmental Study and if necessary further investigation as required;~~
- ~~j) A noise and/or vibration study;~~
- ~~k) A source water protection study;~~
- ~~l) An MDS I or II calculation~~
- ~~m) A minimum separation distance calculation for an industrial use or a waste management facility;~~
- ~~n) Confirmation on sufficient reserve sewage system capacity and reserve water system capacity.~~
- ~~o) Vegetation Inventory and /or Tree Preservation Plan.~~

5.4.9.65.4.12.5 Discretionary Uses

As may be provided in the Development Permit By-Law, a development permit may be issued to permit, as a discretionary use, any use not specifically listed as a permitted use in the Development Permit By-Law, provided that the proposed use is similar to and compatible with the listed permitted uses, would have no negative impact on adjoining properties, and would maintain the intent, principles and policies of this Plan.

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In addition, the Development Permit By-law may provide that a development permit may be issued to permit, as a discretionary use, an extension to a legal non-conforming use or change in use of a legal non-conforming use, provided that the proposal is desirable in order to avoid hardship, that it would have no negative impact on adjoining properties, and that it would maintain the intent, objectives, principles and policies of this Plan.

5.4.9.75.4.12.6 Variations

The Development Permit may allow for defined variations to the standards and provisions outlined in the Development Permit By-Law. Such variations will only be permitted if they are consistent with the policies of this plan.

Any proposal for a use which is not listed as a permitted use or which does not qualify as a discretionary use in the Development Permit By-law and in accordance with the relevant policies in the Official Plan will require an amendment to the Development Permit By-Law.

5.4.9.85.4.12.7 Delegation of Approval Authority

In order to ensure that the Development Permit By-law is administered efficiently, effectively and with full transparency, Council may delegate all or part of its approval authority to municipal staff or to the Planning Advisory Committee or such other Committee as Council may deem appropriate. The extent and scope of the delegated authority may be limited by Council on the basis of the type, scale and complexity of the proposed development and the related development permit. (MOD-10)

5.4.9.95.4.12.8 Development Permit Not Required

A Development Permit shall not be required for newly constructed single dwelling units, duplex and semi-detached dwelling units provided that such development or proposed development is deemed to be in conformity with the requirements, standards and provisions within the designated Residential Development Permit Area, and which is also in full conformity with all of the following standards:

- a) Development is setback a minimum 30 metres (98.4 feet) from any natural watercourse.
- b) No site alteration or vegetation removal is required or proposed within 30 metres of the St Lawrence or Gananoque Rivers.

In addition a Development Permit shall not be required for the following:

- a) Any Development that has a Plan approved through prior Site Plan Control may proceed with Development in accordance with the approved Site Plan.
- b) Any necessary repairs or maintenance to existing development.

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- c) The placement of a portable classroom on a school site of a district school board is exempt from the requirement for a development permit if the school site was in existence on January 1, 2007.

5.4.9.105.4.12.9 Conditions

The ~~Corporation~~-Municipality may impose conditions and grant provisional approval prior to final approval in accordance with Official Plan policies, Development Permit By-law and Ontario Regulation ~~608/06~~173/16.

The proposed development shall in all cases be required to occur as illustrated on the approved and stamped drawings including all grading and drainage, servicing, lighting, landscaping, and elevation designs. A development agreement, registered on title may be required prior to final approval for any development application.

Technical reports may be required to assist in the review process and any recommendations therein may be imposed as conditions of Development Permit Approval. In the event that any recommendations within a submitted ~~T~~technical report exceed the minimum requirements of any section of this By-Law the stricter requirement will be imposed prior to approval.

As a condition to the approval of the plans and drawings the Town of Gananoque may require the owner of the lands to,

- a) provide to the satisfaction of and at no expense to the Town of Gananoque any or all of the following;
- Widenings of highways that abut on the land.
 - Subject to the Public Transportation and Highway Improvement Act, facilities to provide access to and from the land such as access ramps and curbing and traffic direction signs.
 - Off-street vehicular loading and parking facilities, either covered or uncovered, access driveways, including driveways for emergency vehicles, and the surfacing of such areas and driveways.
 - Walkways and walkway ramps, including the surfacing thereof, and all other means of pedestrian access.
 - Facilities designed to have regard for accessibility for persons with disabilities.
 - Facilities for the lighting, including floodlighting, of the land or of any buildings or structures thereon.
 - Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material.

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- Easements conveyed to the municipality for the construction, maintenance or improvement of watercourses, ditches, land drainage works, sanitary sewage facilities and other public utilities of the municipality or local board thereof on the land.
 - Grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon.
- b) maintain to the satisfaction of the municipality and at the sole risk and expense of the owner any or all of the facilities or works mentioned paragraphs 2, 3, 4, 5, 6, 7, 8 and 9 of clause a), including the removal of snow from access ramps and driveways, parking and loading areas and walkways;
- c) enter into one or more agreements with the municipality dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned in clause a) or d) and the maintenance thereof as mentioned in clause b) or with the provision and approval of the submitted plans and drawings or; enter into one or more agreements with the municipality ensuring that development proceeds in accordance with the approved plans and drawings.
- d) convey part of the land to the municipality to the satisfaction of and at no expense to the municipality for a public transit right of way.

5.4.9.115.4.12.10 Agreements

The Owner or Applicant may be required to enter into a Development Permit Agreement with the Town, to be registered against the lands affected, which shall include but not be limited to:

1. The responsibility of each party to execute and complete all works envisioned in the Development Permit Approval,
2. Detailed drawings and specifications of the work to be completed, including plans showing the physical relationship to the adjacent properties and public right-of-ways,
3. The timing of construction, including commencement and completion,
4. Any financial guarantees and/or fees required by the Town to ensure the completion of the works described on the Development Permit.
5. Cash in lieu of parking.
6. Cash in lieu of parkland.

5.5 COMMUNITY IMPROVEMENT AREA

5.5.1 Policies

The entire Municipality is designated a Community Improvement Area.

Council may, by by-law, designate the lands within a Community Improvement Area as a Community Improvement Project Area whereupon Council shall undertake the preparation of a Community Improvement Plan for such area or areas. Prior to designating a Community Improvement Area, Council shall repeal all previous designating by-laws adopted under the *Planning Act* for Community Improvement purposes in the area to be designated as a Community Improvement Project Area.

Subject to Section 28 of the *Planning Act*, in pursuing the objectives of the Official Plan's Community Improvement Policies Council may:

1. sell, lease or dispose of lands and buildings acquired or held by the ~~municipality~~Town;
2. give loans and grants to owners, tenants and their assignees for rehabilitation purposes;
3. provide tax assistance by freezing or canceling the municipal portion of the property tax on eligible properties for remediation purposes; and
4. issue debentures with the approval of the Ontario ~~Municipal Board~~Land Tribunal.
5. Fostering the improvement of businesses and public spaces to remove barriers which may restrict their accessibility.

5.5.1.1 Policy Objectives

The policy objectives are as follows:

1. To upgrade and maintain all essential municipal services and community facilities.
2. To ensure that community improvement projects are carried out within the built up areas of the Town.
3. To ensure the maintenance of the existing building stock.
4. To preserve heritage buildings.
5. To facilitate the remediation, rehabilitation and \or redevelopment of existing Brownfield sites;
6. To encourage private sector investment and the strengthening of the economic base.
7. To enhance the visual appearance of Community Improvement Areas.

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8. 8. To revitalize our downtown commercial district (General Commercial Policy Area) as a mixed use area and a vibrant shopping destination.

5.5.1.2 Preparation and Adoption of a Community Improvement Plan

Council shall have regard for the following matters in the preparation and adoption of a Community Improvement Plan, namely;

1. the basis for selection of the community improvement project areas with specific consideration of the following:
 - i) That there is evidence of a need to improve municipal services such as roads, sidewalks, street lighting, parking, sanitary and storm sewers, water supply, parks and recreation, [active transportation infrastructure](#), community facilities, the waterfront areas or streetscaping. Improvements may apply to some or all of the above services.
 - ii) That the phasing of improvements corresponds to the timing of improvements by the Town and/or senior governments and is within the financial capability of the municipality.
 - iii) That a significant number of buildings in an area show signs of deterioration and need of repair.
 - iv) That there is evidence that a site can be classified as a Brownfield and that the adoption of a community improvement plan would assist in the remediation, rehabilitation and/or redevelopment of a property or area.
 - v) That improvement to the visual appearance or aesthetics be required.
 - vi) That improvements will have a significant impact on strengthening the economic base of the community.
2. the boundary of the area and the land use designations contained in this Plan;
3. properties proposed for acquisition and/or rehabilitation;
4. the estimated costs, means of financing and the staging and administration of the project;
5. the provision of sufficient flexibility, as circumstances warrant, where project and costing revisions are necessary;
6. the phasing of improvements and the means of their implementation; and
7. citizen involvement during the preparation of a Community Improvement Plan.

5.5.1.3 Implementation of a Community Improvement Plan Policies

Council shall implement the general principles and policies of this Section as follows:

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1. through the identification of specific community improvement projects and the preparation of Community Improvement Plans;
2. through participation in programs with senior levels of government;
3. through enforcement of the ~~Municipality's~~ Town's Property Standards Bylaw;
4. through the acquisition of land to implement adopted Community Improvement Plans;
5. through the encouragement of the orderly development of land as a logical and progressive extension of development which provides for the infilling of underutilized land;
6. ~~T~~hrough the encouragement of the private sector to utilize available government programs and subsidies;
7. through the enactment of a comprehensive ~~zoning by-law~~ Development Permit By-Law which provides for a range of appropriate uses, for the intensification and integration of land uses, and which stimulates the economic and/or functional role of the areas or alternatively through the adoption of an area specific Development Permit System which streamlines development approval and which ensures that architectural and urban design considerations are implemented; and
8. by encouraging the rehabilitation of existing buildings and structures which will be used for a purpose compatible with the surrounding area.

5.5.1.4 Phasing

Council shall have regard for the phasing of improvements in order to permit a logical sequence of events to occur without unnecessary hardship to area residents and the business community. The improvements should be prioritized having regard for available municipal funding.

5.6 MAINTENANCE AND OCCUPANCY STANDARDS

It is the policy of Council to maintain the physical condition of the existing building stock by adopting and enforcing a Municipal Property Standards By-law as enacted under Section 15.1 of the *Building Code Act*, 1990, as amended.

Council may further support property maintenance and safe occupancy by:

1. Utilizing available government programs, where applicable, to provide financial and administrative support to individuals seeking to improve their properties.
2. Maintaining municipally owned buildings, properties and community facilities and providing or maintaining municipal services in good repair.

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3. Using or encouraging the use of associated legislation such as the Ontario Fire Code for the retrofit of buildings and Part 11 of the Ontario Building Code also respecting the retrofit of buildings.
3. Council may amend the Property Standards By-law to prescribe minimum standards for the maintenance of heritage attributes for properties designated under the *Ontario Heritage Act*.
4. Appointing a Property Standards Officer to enforce the By-law and by the appointment of a Property Standards Committee under the provisions of Section 15.6 of the *Building Code Act*, 1992, as amended.

5.7 BUILDING PERMITS

In accordance with the provisions of Section 8 of the *Ontario Building Code Act*, 1992, as amended, it is a policy of this Plan that building permits will not be issued where the proposed construction does not conform to the provisions of the [Zoning By-law/Development Permit By-Law](#).

5.8 ~~ZONING BY-LAW~~ DEVELOPMENT PERMIT BY-LAW

It is a policy of this Plan that the [Zoning By-law/Development Permit By-Law](#) shall conform to the policies of this Official Plan. Following adoption of this Plan and its subsequent approval by the [Ministry of Municipal Affairs and Housing Province](#), the [Zoning By-law/Development Permit By-Law](#) shall be brought into conformity with the policies of this Plan. This may be accomplished through the [Zoning By-law/Development Permit By-Law](#) Amendment process or through a comprehensive update of the municipality's existing [Zoning By-law/Development Permit By-Law](#).

5.9 ECONOMIC DEVELOPMENT

5.9.1 Introduction

Council recognizes that the economic base of the Town is dependent upon a mix of commercial, service industries, manufacturing activities and tourism. Council's intent is to establish a framework in which to encourage new economic growth and new employment generation while sustaining existing economic strengths.

5.9.2 Goals and Objectives

Goal: To sustain the strengths of the existing economic base and to broaden the Town's employment opportunities.

Objectives:

1. To ensure that Gananoque is and remains an affordable place to do business and live.
- 4.2. To sustain and to build on the existing strength of the commercial, industrial and tourism sectors of the economy.

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~~2.3.~~ To undertake initiatives to stimulate new employment generation.

4. To work cooperatively with senior governments and community groups in promoting and undertaking economic development activities.

~~3.5.~~ To identify the Downtown as a prosperous and vibrant downtown business district -priority policy area- for economic development and employment, particularly through intensification and mixed-use development.

5.9.3 General Policies

In addition to specific land use policies elsewhere in this Plan, Council will undertake several measures to sustain, strengthen and diversify the economic base including:

1. Providing a policy framework which facilitates the planning and delivery of municipal services necessary for the development or redevelopment of lands for commercial, industrial and other employment generating activities.
2. Expediting planning and other approvals necessary at the Town level to permit the development of lands or construction of new buildings associated with economic development.
3. Supporting and allocating funds where applicable for community improvement and promotion programs.
4. Encouraging and facilitating employment in the construction industry through expediting the approvals of plans of subdivision, encouraging the rehabilitation of heritage buildings, encouraging the retrofit of the existing building stock and by encouraging the recycling of funds in the Financial Help for Home Repair through financial programs, such as those provided by the Canadian Mortgage and Housing Corporation or any subsequent, similar program.
- ~~5. Introducing a program of community promotion through better signage on Town roads.~~
- ~~6. Allocating funds for the development of promotional literature and multi-media promotional materials.~~
- ~~7.5.~~ Encouraging an “Open for Business” philosophy towards economic opportunities in the design of municipal by-laws regulating and licensing businesses.
- ~~8.6.~~ Encouraging the development of home-based businesses or home industry home based businesses and tele-working opportunities.
- ~~9.7.~~ Promoting the development of existing business parks.
8. Encouraging measures that will extend the length of the tourist season.
- ~~10.9.~~ Encouraging the coordination of efficient telecommunications infrastructure.

5.9.4 Home-Based Businesses/Home Industries

Home-Based Businesses/Home Industries ~~Home-based businesses~~ are permitted in all areas where residential uses are permitted subject to the provisions of the implementing Zoning By-law/Development Permit By-Law and other by-laws established by Council as well as the principles set out herein.

Permitted uses shall include, but are not limited to professional, administrative and consulting services, office uses, computer technology uses, instructional services, distribution sales offices and, arts and crafts.

Home based businesses ~~shall be~~:

1. ~~be~~ clearly accessory, secondary, incidental and subordinate to the permitted residential use;
2. ~~not change the appearance of the dwelling as a residence and be~~ compatible with surrounding residential and/or non-residential uses;
3. ~~not generate traffic or parking demands in excess of that normally experience in a residential area;~~
- 2.4. ~~retail goods are limited to products that are incidental to the home based business or made on the property by the person residing.~~
- 3.5. ~~regulated by Council through provisions contained within the zoning by-law/Development Permit By-Laws.~~

Home Industries shall be:

~~Home based businesses of an industrial nature/Industries, such as a carpentry shop, tinsmith shop, welding shop etc.,~~ may be permitted as an accessory use to a principal residential use.

Home industries shall:

1. ~~Shall~~ only be established and operated in land use designations where they are identified as permitted.
2. Standards will take into consideration the lot size, on-site services and separation distance to ensure capability with adjacent land uses.
3. ~~not generate traffic or parking demands in excess of that normally experience in a residential area;~~
4. not create conflicts with surrounding land uses, including consideration of noise and smell.

5. Council shall regulate provisions for home industries including but not limited to maximum building area, lot area, parking display of goods and storage, signs, employees through the Development Permit By-Law.

~~Council shall regulate provisions for home-based businesses/home industries including but not limited to maximum building area, lot area, parking display of goods and storage, signs, employees may however restrict these types of home-based businesses to specific sectors through the Zoning By-law.~~

5.9.5 Brownfield Redevelopment

Brownfield sites are undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

From an economic perspective, brownfields can result in reduced property values, economic activity and employment. Vacant and underutilized properties in serviced urban areas represent an opportunity to increase development densities. From an environmental perspective, brownfields can present a threat to ecological and human health and safety. From a social perspective, the existence of brownfields can lead to neighbourhood deterioration, threats to personal safety and security, and reduced quality of life.

The benefits that result from brownfield redevelopment are also environmental, economic and social. The economic benefits of brownfield redevelopment can include increased employment in urban areas and increased property values. Environmental benefits can include the removal of threats to the health of residents and workers, the protection of groundwater resources and wildlife habitats and a reduction in unplanned growth. The social benefits of brownfield redevelopment can include neighbourhood revitalization, improved safety and security, the provision of additional housing opportunities through intensification and infill, and an increased sense of community pride. Financial incentive programs that result in an increase in brownfield development will translate into economic, environmental and social benefits.

Accordingly the Town shall identify and promote opportunities for intensification and redevelopment of Brownfield industrial sites. Private sector investment in the re-use and/or redevelopment of underutilized and/or abandoned Brownfield industrial lands will be encouraged through the use of Community Improvement as described in [Section 5.5](#) and the related financial tools including property tax and building permit fee incentives.

5.10 SOCIAL AND CULTURAL POLICIES

5.10.1 Introduction

Council recognizes that the social and cultural fabric of the Town is key to Gananoque's economic competitiveness, and quality of life and place. Housing is a human right and key to various economic, social and environmental outcomes. Gananoque has a rich history. It's

heritage assets help define the character of the community, contribute to its attractiveness as a community and economic health.

1.1.1 Goals and Objectives

Goal: To encourage the creation of attainable and affordable housing opportunities and the conservation, restoration and rehabilitation of all heritage resources.

5.9.65.10.2 Affordable Housing

5.10.2.1 Goals and Objectives

Goal: To encourage the creation of attainable and affordable housing opportunities and the conservation, restoration and rehabilitation of all heritage resources.

Council will ~~provide for~~strive to create affordable housing by enabling a full range of housing ~~types options~~ and densities to meet projected demographic and market ~~based and affordable housing needs requirements~~ of current and future residents of the Town by:

- ~~1.~~ 1. Monitoring homelessness and the need for social assisted housing for households and seniors. Where specific needs are identified, Council will work with the Ministry of Municipal Affairs and Housing Province and the Social Services Department of the United Counties of Leeds and Grenville to meet identified ~~needs~~needs, implement affordable housing plans and deliver the provision of affordable housing programs.
- ~~1.2.~~ 1.2. ~~Encouraging~~Encourage infill and housing intensification. This may be achieved through the conversion of single detached dwellings to multiple units, additional dwelling residential units, through re-development at higher densities, through land severances on ~~large under-utilized~~large, under-utilized lots which create opportunities for development on the severed lot (subject to the relevant policies elsewhere in this plan) and through infill on vacant lands.
- ~~2.3.~~ 2.3. Ensuring a minimum ~~40~~15-year supply of residential land for intensification or redevelopment at all times. If necessary, this will include lands designated for new residential development.
- ~~3.4.~~ 3.4. Working with the development industry to ensure that a 3-year minimum supply of residential units with servicing capacity in registered or draft approved lots and blocks for new residential development ~~is available at all times.~~
- ~~4.5.~~ 4.5. Monitoring population projections and the residential development targets with the County of Leeds and Grenville.
- ~~5.6.~~ 5.6. Making provision for alternative housing ~~types options~~ such as accessory additional dwelling residential units.
- ~~7.~~ 7. Encouraging cost-effective development standards and densities for new residential development to reduce the cost of housing.

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6.8. Promote the development of affordable housing through in-fill, conversion and redevelopment of existing buildings.

7.9. Council shall ~~require~~ aim to achieve a minimum of 25% of all new housing units to be “affordable” as defined by the Provincial Policy Statement, ~~20052020A. (MOD-11)~~

5.9.75.10.3 Group Homes

A group home is defined as a single housekeeping unit in a residential dwelling, which is registered with the municipality, in which 3 to 10 residents (excluding supervisory or operating staff) live together under responsible supervision consistent with the requirements of its residents. The home is licensed or approved under provincial statute and is in compliance with municipal by-laws.

A group home shall be permitted in all land use designations which permit residential uses.

A group home shall be permitted in a single detached dwelling or a semi-detached or duplex dwelling provided that both units are occupied by one group home operation and that the total number of residents does not exceed ten (10).

An ~~accessory~~ additional dwelling residential unit or a garden suite shall not be permitted on the same lot as a licensed group home.

5.9.85.10.4 Heritage ~~Heritage~~ Resources ~~Conservation~~

Gananoque has a rich history. It is located in the traditional territory of the Haudenosaunee and Huron Wendat. It is also located in the “Crawford’s Purchases Treaty” area. Gananoque has many built heritage resources. Twenty properties have been formally designated under the Ontario Heritage Act. Eight properties have been identified as having potential cultural heritage value or interest. The Town has not identified any cultural heritage landscapes. Given its geography and history, the majority of lands within the Town have archaeological potential.

The heritage resources policies of this Pplan shall apply when:

1. conserving heritage buildings, cultural heritage landscapes and archaeological resources that are under municipal ownership and/or stewardship;
2. conserving and mitigating impacts to all significant cultural heritage resources, when undertaking public works;
3. -respecting the heritage resources identified, recognized or designated by federal and provincial agencies;

5.10.4.1 Objectives

1. promote the conservation, restoration and rehabilitation of all heritage resources;
2. ensure that heritage features are passed on for the enjoyment and care of future generations;

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3. prevent the demolition or inappropriate alteration of heritage resources;
4. identify a range of features so they can be conserved and integrated into the community, including, buildings, sites, landscapes and artifacts of historical, archaeological and architectural significance; and,
5. involve consult with the indigenous communities and the public in heritage resource decisions affecting the Town.
6. when identifying, protecting and managing cultural heritage and archaeological resources, Council shall consult with and Indigenous Communities.

5.9.8.15.10.4.2 Heritage Structures, Districts and Cultural Heritage Landscapes

The Town will prepare, publish and periodically update a Register of the Town's cultural heritage resources in accordance with the *Ontario Heritage Act*. This Register will also contain non-designated properties that have been identified by the Town as having significant cultural heritage value or interest.

A cultural heritage impact assessment will be required for development and intensification proposals or public works that include or are contiguous to a property designated under the *Heritage Act* or non-designated property included on the Municipal Heritage Register. The cultural heritage impact assessment will be undertaken in accordance with the policies of this plan. The Town will determine the need for a cultural impact heritage assessment in consultation with the owner/applicant.

A cultural heritage impact assessment will include the following elements:

1. identification and evaluation of the cultural heritage resource;
2. graphic and written inventory of the cultural heritage resource;
3. assessment of the proposal's impact on the cultural heritage resource;
4. alternatives to the proposal;
5. identification and justification of the preferred option; and
6. means to mitigate impacts.

The Town may prevent the demolition or inappropriate alteration of any heritage resource designated under the *Ontario Heritage Act* by the Town or Province.

Heritage buildings and structures involved in planning applications will be retained for their original use and in their original location wherever possible to ensure that their heritage value is not compromised. If the original use is no longer feasible, adaptive reuse of buildings and structures, will be encouraged where the heritage attributes will not be compromised. If it is not

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possible to maintain structures in their original location, consideration may be given for the relocation of the structure.

The Town will also encourage methods of conservation including:

1. repairing or conserving building materials and finishes and other components that are part of a property's heritage attributes;
2. retaining and maintaining the visual settings and other physical relationships that contribute to the cultural heritage value of the property;
3. retention of a built heritage resource as a heritage monument for viewing purposes only;
4. salvaging elements of the resource for incorporation into a new building or structure for future conservation work or displays; and,
5. documentation for the Town's archives.

Adaptive reuse projects that conserve the architectural integrity of heritage buildings and structures are encouraged as a means of enhancing the long-term conservation of heritage resources and promoting the rehabilitation of underutilized properties.

Heritage conservation districts and cultural heritage landscapes will be protected, maintained and incorporated, specifically through the regulation of uses that detract from the traditional landscape.

Where an area is designated as a heritage conservation district, partial demolition, alterations, renovations, repairs, additions, development or intensification may be allowed at the Town's discretion and may be subject to a cultural heritage impact assessment.

The Town may permit the transfer of surplus density rights from sites with heritage buildings to adjacent or nearby properties in order to facilitate the conservation, retention or adaptive reuse of a particular heritage resource. Unused density may be transferred to another site provided that:

1. the relevant property is designated under the *Heritage Act*; and,
2. the downzoning of the donor site and up-zoning of the recipient site takes place.

Retrofits for achieving energy efficiency will only be undertaken in a heritage building where it is demonstrated that retrofitting can be accomplished without compromising the heritage integrity of the building.

In attaining accessibility goals, the Town will endeavour to provide access solutions in a manner that respects the cultural heritage value or interest of a protected property. The Town recognizes that standardized designs may not always suffice and that each heritage property

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will require unique accessibility plans to ensure that alterations do not adversely affect the heritage attributes. The Town encourages this practice for privately-owned heritage buildings that are open to and used by the public.

The Town will support the reduction of waste from construction debris as a result of the demolition of buildings by promoting and encouraging adaptive reuse of older and existing building stock.

The Town will make every effort to identify, conserve and protect known cultural heritage resources and areas of archaeological potential when undertaking municipal public works, such as roads and infrastructure projects, carried out under the Municipal Class Environmental Assessment process. When necessary, the Town will require archaeological assessments and heritage impact assessments and satisfactory measures to mitigate any negative impacts to cultural heritage resources;

The Town will encourage utility companies to place equipment and devices in locations which do not detract from the visual character of cultural heritage resources and do not have a negative impact on the architectural integrity of those resources.

In the event that demolition, salvage, dismantling relocation and/or irrevocable damage to a cultural heritage resource is determined through heritage impact assessment or other Town review process to be unavoidable, thorough archival documentation is required to be undertaken by the proponent and made available to the Town for archival purposes. This documentation must be prepared by a qualified person and include at least the following as appropriate or additional matters as specified by the Town:

1. architectural measured drawings;
2. a land use history; and,
3. photographs, maps and other available material about the cultural heritage resource in its surrounding context.

Programs

The Town may undertake a study to identify and evaluate areas and landscapes of potential cultural heritage value or interest. Landscapes of cultural heritage value or interest may be designated pursuant to the [Ontario Heritage Act](#), or as areas of cultural heritage character and recognized for their specific heritage character in this Plan.

The Town may establish heritage design guidelines and/or cultural heritage impact assessment guidelines that assist in the design and review of adaptive reuse proposals.

The Town may establish a grant program for designated heritage properties. The intent of this program would be to help alleviate some of the financial burden placed upon property owners in

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the maintenance and conservation of heritage resources or the adaptive reuse of a designated heritage property.

~~The municipality will maintain a cultural heritage resource database resulting in inventories of significant heritage buildings, heritage districts, cultural heritage landscapes, archaeological sites, and archaeological potential areas located within the Town. The heritage resources policies of this plan shall apply when:~~

- ~~• conserving heritage buildings, cultural heritage landscapes and archaeological resources that are under municipal ownership and/or stewardship;~~
- ~~• conserving and mitigating impacts to all significant cultural heritage resources, when undertaking public works;~~
 - ~~• respecting the heritage resources identified, recognized or designated by federal and provincial agencies;~~

~~Council may permit development and site alteration on adjacent lands located to protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated through a Heritage Impact Assessment that the heritage attributes of the protected heritage property will be conserved. A heritage impact assessment may be required if there are any adverse impacts to any significant cultural heritage resources resulting from development proposals. Mitigative measures and/or alternative development approaches may be required for the conservation of heritage attributes of a protected heritage property. The Ontario Heritage Act may be utilized to conserve, protect and enhance any significant cultural heritage resources located within the Town. Examples of tools utilized under the Ontario Heritage Act include appointing a Municipal Heritage Committee to review applications, identifying a Municipal Heritage District, as well as designating buildings of cultural significance within the Town.~~

5.10.4.3 Archaeological Resources

Disturbance of known archaeological sites and areas of archaeological potential are discouraged by this Plan.- This Plan encourages mapping the archaeological resource potential of the Town in order to better determine where an archaeological resource assessment will need to be conducted by a licensed archaeologist. Until such mapping is completed, development applications will be screened for archaeological potential in accordance with provincial standards.

Areas of archaeological potential are determined through the use of provincial screening criteria, or criteria developed based on the known archaeological record within the Town. Such criteria include features such as proximity to water such as current or ancient shorelines, rolling topography, unusual landforms, and any locally known significant heritage areas such as portage routes or other places of past human settlement. All lands as an area of archeological potential are subject to a Phase I Archeological Review. Subject to the review of the Phase I study the applicant may be requested to undertake further investigations if it is recommended in the Phase 1 report.

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The following policies apply:

1. Any alterations to known archaeological sites and areas of archaeological potential will only be performed by licensed archaeologists in accordance with the [Ontario Heritage Act](#).
2. Where a development may cause an impact to archaeological resources or areas of archaeological potential:
 - i. The applicant shall consult with Indigenous Communities for comment on the proposed development.
 - ii. an archaeological assessment will be required in accordance with the [Ontario Heritage Act](#). Archaeological resources that are located on a proposed development site will be conserved.
- The local police, Cemeteries Regulation Unit of the [Ministry of Consumer Services Province](#) and the Ministry of Tourism, Culture and Sport will be contacted by the proponent if an identified human cemetery, marked or unmarked human burial site is discovered during land use development.
3. The Town may maintain the integrity of archaeological resources by adopting [zoning by-law Development Permit By-Laws](#) under [Section 3470.2 of the Planning Act](#) [Planning Act](#), to prohibit any land use activities or the erection of buildings or structures on land which is a site of a significant archaeological resource.

Programs

The Town Council shall obtain updated archaeological site mapping from the [Ministry of Culture Province](#) under the provisions of a municipal-provincial data sharing agreement, and update this database as new archaeological sites are identified from land development and on the Provincial archaeological sites database.

The Town Council may undertake the preparation of an Archaeological or Cultural Heritage Master Plan with the assistance of the [Ministry of Culture Province](#).

~~Areas of archaeological potential are determined through the use of provincial screening criteria, or criteria developed based on the known archaeological record within the Town. Such criteria include features such as proximity to water such as current or ancient shorelines, rolling topography, unusual landforms, and any locally known significant heritage areas such as portage routes or other places of past human settlement. All lands as an area of archeological potential are subject to a Phase I Archeological Review. Subject to the review of the Phase I study the applicant may be requested to undertake further investigations if it is recommended in the Phase 1 report.~~

~~Council may consider archaeological preservation in-situ, to ensure that the integrity of the resource is maintained. The heritage integrity of archaeological resources can be preserved by adopting Archaeological Zoning by laws under section 34 of the Planning Act, to prohibit any land use activities or the erection of buildings or structures on land which is a site of a significant archaeological resource.~~

~~Council shall consult appropriate government agencies, including the Ministry of Culture and the Ministry of Consumer and Business Services (MCBS), when an identified human cemetery, marked or unmarked human burial is affected by land use development. The provisions under the Heritage Act and the Cemeteries Act shall apply.~~

6.0 ADMINISTRATION OF THE OFFICIAL PLAN

6.1 AMENDMENTS TO THIS OFFICIAL PLAN

Amendments to this Plan shall be considered in accordance with related policies elsewhere in this Plan. In general, amendments will only be considered when they are justified and when the required supportive information is provided as stated in the policy sector proposed for revision. Proposed amendments to this Plan shall be accompanied by sufficient information to allow Council to fully understand and consider the following:

1. the impact of the proposed change on the achievement of the stated goals, objectives and policies expressed in this Plan;
2. the need for the proposed change;
3. the effect of the proposed change on the need for public services and facilities.

In addition when considering amendments which affect the use of a specific site or sites, Council shall consider:

1. whether there is a need to add the site or sites to the lands already designated for the proposed use;
2. the physical suitability of the land for the proposed use.
3. Technical revisions to this Plan are permitted without amendments to this Plan provided they do not change the intent of the Plan. Technical amendments include:
 - a. changing the numbering, cross-referencing and arrangement of the text, tables, schedules and maps;
 - b. altering punctuation or language for consistency;
 - c. correcting grammatical, dimensional and boundary, mathematical or typographical errors; and

a.d. adding technical information to maps or schedules.

6.2 COUNCIL APPROVED PLANS

The Official Plan is meant to be consulted in its entirety when making interpretations of its policies. Furthermore, the policies contained in this Plan will work in conjunction with the Lowertown Study, Parks and Recreation Master Plan and all other policy documents adopted by Council. In the event of competing interests, the most restrictive policies or guidelines shall be considered during the review of a development application.

6.3 CONSULTATION

Council shall undertake a community consultation program for all amendments to and reviews of the Plan. The consultation process shall include timely provision of adequate information as well as opportunities for members of the public to discuss this information with Town' staff and to present views to Council.

6.4 REVIEW AND MONITORING OF THE OFFICIAL PLAN

Council shall at regular intervals of not more than five years, undertake a review of this Plan, or parts thereof, to ensure that:

1. the Plan's goals and objectives remain valid and realistic in light of prevailing circumstances;
2. the Plan's policies are adequate for the achievement of its goals and objectives.
3. The Plan continues to be consistent with the Provincial Policy Statement.

In order to facilitate the review of this Plan, Council will monitor the achievement of its objectives and the effectiveness of its policies.

6.5 LAND USE DESIGNATION BOUNDARIES

The boundaries of the land use designations established by this Plan and as shown on the attached Schedules are intended to be approximate and shall be considered as absolute only where they coincide with roads, railway lines, rivers, lot lines shown in an implementing [Zoning By-law](#) [Development Permit By-Law](#), or other clearly defined physical feature.

Where land use designation boundaries are considered as approximate, amendments to this Plan will not be required in order to make minor adjustments to the boundaries provided that the general intent and purpose of the Plan are maintained. Such minor adjustments shall be determined by Council and will not need to be incorporated into the land use schedules.

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Where the land use boundaries are considered as absolute, the location of the boundaries is not open to interpretation and an amendment to this Plan will be required in order to deviate from or change these boundaries.

6.6 REFERENCES TO STATUTES

Where any Act or portion of any Act is referred to in this Plan, such references shall be interpreted as referring to the stated Act or portion of the Act and any subsequent changes to or renumbering of these sections of such Act.

6.6.1 References To Ministries And Review Agencies

Throughout this Official Plan, references are made to various Provincial Ministries and agencies in regard to the review of and/or input on various types of planning issues and development proposals. While such references are considered to be current at the date of adoption of this Official Plan, it is acknowledged that changes may occur as a result of ongoing changes in the planning and application review processes in the Province of Ontario. No amendment to this Plan is required in order to acknowledge such changes; however, it is the intent to update such Ministry and agency references at the time that general reviews and updates of the Official Plan are undertaken. [For this reason, in many cases the required Ministries may also be generalized to refer to “the Province”.](#)

6.7 INTERPRETATION OF FIGURES, QUANTITIES AND USES

It is intended that all figures and quantities herein shall be considered as approximate unless stated otherwise. Amendments to the Official Plan will not be required where Council is satisfied that the variance from the figure or quantity is minor and that the intent of the policy in question is met.

Where examples of permitted uses are provided for in the land use polices of the Plan, it is intended that these be recognized as representative examples as opposed to a definitive and/or restrictive list of uses. The implementing [zoning-by-law](#)[Development Permit By-Laws](#) shall ensure that all permitted uses are consistent with the intent of this Official Plan.

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